

**Before the  
FEDERAL COMMUNICATIONS COMMISSION**

**Washington, D.C. 20554**

In the Matter of	)	
	)	
Request for Review of Decisions of the Universal Service Administrator	)	CC Docket No. 02-6
	)	
Paducah Independent School District ("Paducah")	)	
	)	File No. SLD-502979 (FY2006)-Paducah
	)	SLD-502985 (FY2006)-Paducah
Hopkins County School District ("Hopkins")	)	SLD-500090 (FY2006)-Hopkins
	)	
Computer Consulting & Network Design, Inc.	)	
	)	
	)	

**CONSOLIDATED REQUEST FOR REVIEW**

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## **SUMMARY**

Quite simply, the decision by the School and Library Division (“SLD”) to deny funding for Paducah and Hopkins does not make sense and is not defensible. First, the SLD recently approved an appeal for Hopkins that included the same exact issue. Second, the SLD failed to meet its burden to prove a competitive bid violation established in the *Pattern Analysis Remand Order and Caldwell Parish*. Third, the SLD’s FCDL Denials are flawed, because there is nothing in the federal rules that disallows a vendor from providing a sample RFP to a school, especially, as the case here, when that sample RFP was originally developed as a generic template from multiple sources prior to E-Rate, in circulation multiple years, available in the public domain and used by other school districts. Fourth, the FCDL Denials and pattern analysis procedure is flawed because the sample RFP is vendor neutral. There is nothing in the sample RFP that would prohibit any vendor from competing for the sought after E-Rate services. All vendors were afforded equal opportunity to solicit bid responses to all of the Schools. As such, no competitive bid violation could occur. Fifth, the SLD’s FCDL Denials and pattern analysis procedure is flawed, because the SLD failed to provide any evidence establishing that the sample RFPs were tainted in any manner by Computer Consulting. Sixth, the SLD completely disregarded the record evidence and certifications by the Schools that clearly evidenced that the Schools were in complete control of their competitive bid process.

In fact, as discussed herein, this case is in direct contravention of the Commission’s *Pattern Analysis Remand Order and Caldwell Parish Order*, in which the Commission concluded that mere presence of a pattern or similarity does not rise to the level of a competitive bid rule violation. The Commission clearly stated that the SLD must make competitive bid rule violation determinations on a case-by-case (school-by-school) application review based upon a

violation of Commission rules. Simply noting that a school received a sample RFP from a service provider is insufficient to determine that a competitive bid rule violation has occurred.

Moreover, the facts in this case unequivocally demonstrate that the Schools were in complete control of their competitive bid process. The sample RFP was simply that, a sample RFP. The Schools used information to comply with state procurement laws and sharing information and using information that they received from training, Internet searches, and fellow colleagues. They have told their stories through multiple years of PAIR responses, Declarations, selective reviews, and site visits, and each of their stories end with the statement that that there was no impermissible service provider involvement in the competitive bid process. The Schools did not surrender control to Computer Consulting or any other service provider. The RFP did not taint the competitive bid process and did not unfairly influence the outcome of competition.

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To: The Commission

**CONSOLIDATED REQUEST FOR REVIEW**

Computer Consulting & Network Design, Inc. ("Computer Consulting"), through counsel, along with Paducah Independent School District ("Paducah") and Hopkins County School District ("Hopkins") (collectively, the "Schools") and pursuant to Section 54.719(c) of the Federal Communication Commission's ("Commission") rules, submits this Request for Review seeking reversal of 2006 Funding Commitment Decision Letter Denials for Paducah and

Hopkins made by the Schools and Libraries Division (“SLD”) of the Universal Service Administrative Company (“USAC” or “Administrator”).

On March 21, 2011, SLD issued a Funding Commitment Decision Letter, in which it denied funding for Paducah (FRN 1408712, 1408898, 1408923, 1408950, 1409280, 1409294, 1409305, 1409322) and Hopkins (FRN 1396567) (“FCDL Denials”).<sup>1</sup> The reason SLD cites for the FCDL Denial is based upon Computer Consulting providing each of the school districts with sample RFPs. Specifically, each FCDL Denial (for both Schools) includes the following language:

Computer Consulting & Network Design, a service provider you later selected to provide services, assisted with your competitive bidding process by providing you with a sample RFP. Program rules state that a service provider must not interfere with the applicants competitive bidding process or offer any incentive that would unfairly influence the outcome of such competition, such as providing assistance in completing forms, and an applicant should not have a relationship with a service provider prior to the competitive bidding that would unfairly influence the outcome of a competition. Therefore, the FRN is denied.<sup>2</sup>

The sample RFPs that SLD references are widely available in the public domain, were used by multiple school districts, and completely generic. SLD used a similar denial reason four years ago for some of the same and similarly situated Kentucky schools,<sup>3</sup> which were the subject of a consolidated appeal filed with SLD on September 28, 2007, by Computer Consulting, Hopkins, Muhlenberg, and Huntingdon. (“USAC Consolidated Appeal”). That request was finally APPROVED by SLD on March 11, 2011 for Hopkins.<sup>4</sup>

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<sup>1</sup> Exhibit A, FY2006 Funding Commitment Decision Letter (Paducah and Hopkins).

<sup>2</sup> *Id.*

<sup>3</sup> In addition to the sample RFP, these denials were based on similarities on the FCC Form 470, which were not at issue in this appeal. The only SLD denial reason was based upon the sample RFP.

<sup>4</sup> Exhibit B, Administrator’s Decisions on Appeal – Funding Year 2005-2006 (Hopkins). On March 11, 2001, for Muhlenberg and Huntingdon, USAC indicated that it does not need to reach any decision on

This Appeal is timely. Section 54.720(a) of the Commission's rules requires the filing of an appeal "within sixty (60) days of issuance" of a decision by SLD. SLD's FCDL Denials were made on March 21, 2011 and 60 days thereafter is May 20, 2011, the due date for filing this appeal.<sup>5</sup>

In addition, Computer Consulting and the Schools have standing to file this appeal because Section 54.719(c) of the Commission's rules provides that, "[a]ny person aggrieved by an action taken by a division of the Administrator ... may seek review from the Federal Communications Commission."<sup>6</sup> In this case, Computer Consulting and the Schools are directly aggrieved by SLD's denial of funding. The SLD erroneously concluded there were competitive bid violations, because Computer Consulting provided sample RFPs to Paducah and Hopkins.

## **I. INTRODUCTION**

SLD erred when it denied funding for Paducah and Hopkins. First, the SLD recently APPROVED an appeal for Hopkins that included the same exact issue. Second, the SLD failed to meet its burden to prove a competitive bid violation established in the *Pattern Analysis Remand Order and Caldwell Parish*. Third, the SLD's FCDL Denials are flawed, because there is nothing in the federal rules that disallows a vendor from providing a sample RFP to a school, especially, as the case here, when that sample RFP was originally developed as a generic template from multiple sources prior to E-Rate, in circulation multiple years, available in the

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appeal, because Huntingdon cancelled its FRNs on February 1, 2011 and October 30, 2007. See Exhibit C, Administrator's Decisions on Appeal – Funding Year 2005-2006 (Muhlenberg and Huntingdon). As to Huntingdon, it appears from the record that USAC only denied Huntingdon's SLD appeal on October 18, 2007, then Huntingdon cancelled its FRNs on October 30, 2007, then USAC issues a second appeal on March 11, 2011, noting that Huntingdon cancelled its FRNs in October 2007.

<sup>5</sup> 47 C.F.R. § 1.4; § 54.723(a) ("The Wireline Competition Bureau shall conduct *de novo* review of request for review of decisions issue[d] by the Administrator.") (emphasis in original).

<sup>6</sup> 47 C.F.R. § 54.719(c).

public domain and used by other school districts. Fourth, the FCDL Denials and pattern analysis procedure are flawed because the sample RFP is vendor neutral. There is nothing in the sample RFP that would prohibit any vendor from competing for the sought after E-Rate services. All vendors were afforded equal opportunity to solicit bid responses to all of the Schools. As such, no competitive bid violation could occur. Fifth, the SLD's FCDL Denials and pattern analysis procedure are flawed, because the SLD failed to provide any evidence establishing that the sample RFPs were tainted in any manner by Computer Consulting. Sixth, the SLD completely disregarded the record evidence and certifications by the Schools that clearly evidenced that the Schools were in complete control of their competitive bid process.

In fact, this case is in direct contravention of the Commission's *Pattern Analysis Remand Order* and *Caldwell Parish*, in which the Commission concluded that mere presence of a pattern or similarity does not rise to the level of a Commission competitive bid rule violation. Here, by ignoring the evidence and certifications submitted by the Schools in response to SLD's Pattern Analysis Information Request, SLD concludes that a school and service provider are in violation of the competitive bid rules if the service provider provides a school with a sample RFP that was: (1) created with multiple party input before E-Rate, (2) in circulation in the public domain for years, (3) shared and tailored by multiple school districts, and (4) shared over a Kentucky state listserv of over 40 school districts. SLD provides neither proof, nor citation to support this decision.

In the *Pattern Analysis Remand Order*, the Commission clearly stated that SLD must make competitive bid rule violation determinations on a case-by-case (school-by-school) application review based upon a Commission rule. Simply noting that a school received a



sample RFP from a service provider is insufficient to determine that a competitive bid rule violation has occurred.

Moreover, the facts in this case unequivocally demonstrate that the Schools were in complete control of their competitive bid process. The sample RFP was simply that, a sample RFP. The Schools used information to comply with state procurement laws and sharing information and using information that it received from training, Internet searches, and fellow colleagues. They have told their stories through multiple years of PAIR responses, Declarations, selective reviews, and site visits, and each of their stories end with the statement that that there was no impermissible service provider involvement in the competitive bid process and the Schools did not surrender control to Computer Consulting or any other service provider.

In short, the issue in this case is simple and undisputed – did the sample RFP provided by Computer Consulting rise to the level of a competitive bid violation. The answer is clearly that it did not, and SLD confirmed this answer when it overturned a previous decision that dealt with a similar sample RFP. Specifically, on March 11, 2011, SLD granted an appeal for FY2005, finding that:

Pursuant to the Commission's directives in *In the Matter of Request for Review of the Decision of the Universal Service Administrator by Academy of Careers and Technologies San Antonio, TX, et al.*, *Schools and Libraries Universal Service Support Mechanism* and *In the Matter of Requests for Review of Decisions of the Universal Service Administrator by Caldwell Parish School District et al. Columbia, Louisiana Schools & Libraries Universal Service Support Mechanism*, the SLD has determined that the Funding Request Numbers cited above should be approved for funding.<sup>7</sup>

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<sup>7</sup> Exhibit B, Administrator's Decisions on Appeal – Funding Year 2005-2006 (Hopkins).

Therefore, because SLD has already acknowledged that the sample RFP was not a competitive bid violation and because that decision relates directly to the sample RFPs in this case, the Commission should swiftly overturn these most recent FCDL Denials.

## **II. STATEMENT OF FACTS<sup>8</sup>**

### **A. The Parties.**

The Schools are K-12 public school districts with a high school, middle school, and primary school.

Computer Consulting provides E-Rate eligible internal connections and basic maintenance services to the educational market. It also provides other network services such as needs and requirements analysis, hardware and software solution recommendations, networking system selection and design, cabling system selection and design, project management of solution installation and turn-key solutions for computer networking.

More specifically, Computer Consulting is a communications systems consulting, design, project management, installation, systems integration, and systems support company that has been in business working primarily with the K-12 industry vertical since 1992, six years prior to implementation of the E-Rate program. Computer Consulting provides many services to the K-12 school community, some of which are E-Rate eligible and some that are not. Computer Consulting, like many businesses, does not exist solely to serve E-Rate clients and, thus, all aspects of its business are not required to, and do not, conform to the requirements of USAC or the E-Rate program. Because of Computer Consulting's extensive involvement and commitment to supporting the E-Rate program (it has been actively involved in the E-Rate program since it

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<sup>8</sup> All of the facts set forth in this Consolidated Request for Review have been attested to, under penalty of perjury, by Computer Consulting and the Schools IT Directors. Exhibit D, Declarations of Jeff Nelson and Dale Weaver (Paducah); Shari Winstead (Hopkins); Dennis Gomer (Computer Consulting).

was a draft document in Congress and has been one of the champions of E-Rate in the Commonwealth of Kentucky as well as the State of Tennessee), Computer Consulting has a solid understanding of the E-Rate program.

**B. Key Background Facts.**

**1. Paducah**

In 2007, SLD sent a Pattern Analysis Information Request (“PAIR”) to Paducah that requested information pertaining to the sample RFP that pertained to FY2006. Paducah’s Director of Technology responded to SLD’s request in a timely manner and clearly stated that Paducah was completely and solely responsible for the preparation of its RFP and the competitive bid process.<sup>9</sup> Paducah also supplied SLD directly with a sample of the RFP that Computer Consulting provided to Paducah and is at issue in this case.<sup>10</sup> The sample RFP clearly demonstrates that this was not created by Computer Consulting; but rather, was used by another school district, namely Huntingdon Special School District. The sample RFP is also similar to the RFP at issue in the approved Hopkins appeal.

After conducting an open and fair competitive bid process, Paducah chose Computer Consulting to provide E-Rate services for internal connections and basic maintenance for internal connections.<sup>11</sup> The contract based upon the associated RFP covered multiple years, including FY2006.

On March 21, 2011, SLD issued the FCDL Denials for FY 2006. Paducah only received one PAIR letter and only provided one PAIR response to SLD regarding this matter.

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<sup>9</sup> Exhibit E, Pattern Analysis Information Request FY2005 & Paducah’s Responses; Exhibit D, Declarations of Jeff Nelson (Paducah). This was the only PAIR request Paducah received from USAC regarding this matter.

<sup>10</sup> Exhibit G, Huntingdon RFP (Sample).

<sup>11</sup> Exhibit H, Paducah FY2005 RFP.

## 2. Hopkins

In 2006, SLD sent a Pattern Analysis Information Request (“PAIR”) to Hopkins that requested information pertaining to the sample RFP that pertained to FY2006.<sup>12</sup> As was the case with Paducah, Hopkins' Director of Technology, Shari Winstead, responded to SLD's request in a timely manner and clearly stated that Hopkins was completely and solely responsible for the preparation of its RFP and the competitive bid process. Hopkins acknowledged receiving a sample RFP that Hopkins revised and customized to meet the needs of the school district, and no non-Hopkins personnel were involved in the preparation of the Hopkins FY2006 RFP. Ms. Winstead further stated that she “did research on the SLD website to determine if a service provider could, in fact, provide this type of assistance, and the website clearly states that sharing an incomplete template is acceptable. No impropriety has occurred, and I believe the bids were issued in a fair and competitive manner.”<sup>13</sup> Ms. Winstead interpreted incomplete to mean a vendor neutral sample RFP.

In her attached declaration, Ms. Winstead further demonstrates that Hopkins and Computer Consulting complied with the E-Rate competitive bidding requirements.<sup>14</sup> For example, she explains that the sample RFP did not contain any Hopkins-specific information, and was a vendor neutral and industry standard RFP. Most importantly, Ms. Winstead unequivocally declares that the sample RFP did not give Computer Consulting any advantage in the competitive bidding process.

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<sup>12</sup> Exhibit F, Pattern Analysis Information Request FY2006 & Hopkins' Responses

<sup>13</sup> For example, the SLD website currently states that: “Service providers should not prepare Requests for Proposals (RFPs) for applicants. Applicants are responsible for this part of the competitive bidding process. While service providers may contribute information in a neutral way to help applicants prepare the RFP, the service provider may not provide the completed product.” *See* USAC, “Step 1: Inappropriate Roles for Service Providers” *available at* <http://www.usac.org/sl/providers/step01/inappropriate-roles-providers.aspx>.

<sup>14</sup> Exhibit D, Declaration of Shari Winstead (Hopkins); Exhibit I, Hopkins FY2006 RFP.

After conducting an open and fair competitive bid process, Hopkins chose Computer Consulting to provide E-Rate services for basic maintenance for internal connection. In fact, according to Hopkins, no other service provider, except Computer Consulting, even submitted a bid to provide basic maintenance. The contract entered into was for multiple years and covers FY2006 and FY2007.

On March 21, 2011, SLD issued the FCDL Denials for FY2006.

### **III. STANDARD OF REVIEW**

SLD's authority to administer the E-Rate Program is limited to implementing and applying the Commission's rules and the Commission's interpretations of those rules as found in agency adjudications.<sup>15</sup> SLD is not empowered to make policy, interpret any unclear rule promulgated by the Commission,<sup>16</sup> or to create the equivalent of new guidelines.<sup>17</sup> SLD is responsible for "administering the universal support mechanisms in an efficient, effective, and competitively neutral manner."<sup>18</sup>

### **IV. THE CONTROLLING LAW**

#### **A. The Competitive Bid FCC Regulations**

The competitive bid requirements of the E-Rate federal regulations require applicants (schools and libraries) to seek competitive bids for eligible services through completing, certifying, and submitting an FCC Form 470 to SLD.<sup>19</sup> The FCC Form 470 identifies the

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<sup>15</sup> 47 C.F.R. § 54.702(c).

<sup>16</sup> *Id.*

<sup>17</sup> Changes to the Board of Directors of the Nat'l Exchange Carrier Ass'n, Inc., Third Report and Order, 13 FCC Rcd 25058, 25066-67 (1998).

<sup>18</sup> 47 C.F.R. § 54.701(a).

<sup>19</sup> 47 C.F.R. § 54.504(a), (b).

services sought by the applicant and identifies other competitive bid requirements.<sup>20</sup> The Commission has adopted certain requirements that the applicant must follow to ensure that the competitive bid process is fair and open.

For example, the FCC Form 470 must be completed by an applicant that will negotiate with prospective service providers and signed by a person authorized to request the services on behalf of the applicant.<sup>21</sup> The FCC Form 470 also requires the applicant to name a contact person, who is responsible to speak to prospective service providers as well as assist prospective service providers with obtaining a separately prepared RFP, if applicable.<sup>22</sup> Finally, the statute requires the applicant to wait 28 days<sup>23</sup> before selecting “the most cost-effective service or equipment offering, with price being the primary factor.”<sup>24</sup>

**B. The Commission’s *MasterMind* Decision Interpreted the Competitive Bid Requirements and Provided Further Guidance**

In 2000, for the first time, the Commission addressed the violation of competitive bid requirements in the E-Rate Program in its *MasterMind Order*.<sup>25</sup> The Commission in the MasterMind Decision interpreted the competitive bid statute to hold **that a competitive bid violation would occur where the applicant surrendered its control to the service provider during the competitive bid process by allowing the service provider to—**

(1) sign the FCC Form 470,

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<sup>20</sup> Schools and Libraries Universal Service, *Description of Services Requested and Certification Form*, OMB 3060-0806 (FCC Form 470).

<sup>21</sup> FCC Form 470 Instructions at 19-20, *available at* [http://www.universalservice.org/\\_res/documents/sl/pdf/470i.pdf](http://www.universalservice.org/_res/documents/sl/pdf/470i.pdf).

<sup>22</sup> *Id.*

<sup>23</sup> 47 C.F.R. § 54.504(b)(4).

<sup>24</sup> 47 C.F.R. § 54.504(b)(2)(vii).

<sup>25</sup> Request for Review of Decisions for the Universal Service Administrator by MasterMind Services, 16 FCC Rcd 4028 (2000) (“MasterMind Order”).

- (2) act as the point of contact on the FCC Form 470,
- (3) prepare and issue an FCC Form 470 or RFP that was not competitively neutral, *i.e.*, seeking products and services that only were tailored in favor of one provider,
- (4) receive the proposals of other competitors,
- (5) control information flowing from the applicant to other service providers,
- (6) assist in the evaluation of the bids for which the service provider was also bidding,
- (7) provide advice and assistance to the applicants with respect to competitors' bids, and/or
- (8) receive the applicant RFP prior to it being made available publicly, so that such receipt would provide a competitive advantage to one provider over another.<sup>26</sup>

However, most significant and applicable to the facts of this Consolidated Appeal is the finding by the Commission in *MasterMind* that no competitive bidding violation occurred, despite hands on service provider involvements, where (1) the applications did not name a MasterMind employee as the contact person and (2) a MasterMind employee did not sign the FCC Form 470 or FCC Form 471.<sup>27</sup> Thus, the Commission clearly recognized that the service provider will participate as a vendor during the competitive bid process and may provide assistance.

The facts in this Consolidated Appeal clearly establish that neither the Schools nor Computer Consulting violated the law or spirit of the *MasterMind Decision* or any Commission rule. The Schools never surrendered control of their competitive bid process and Computer Consulting never committed any act that violated the criteria articulated in the *MasterMind Decision* or any Commission rule.

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<sup>26</sup> *Id.*, ¶¶10-14.

<sup>27</sup> *Id.* at 4034-35 ¶14.

### C. The Commission's *Pattern Analysis Remand Order*

The SLD's "pattern analysis procedure" has always been controversial. USAC, not the Commission, created this procedure. In 2006, the Commission instructed USAC that the mere presence of a pattern or similarity does not rise to the level of a Commission competitive bid rule violation in its *Pattern Analysis Remand Order*.<sup>28</sup> Specifically, the Commission found that USAC improperly denied the funding requests based on a "pattern analysis," because USAC failed to make a determination on a case-by-case basis that the Commission's competitive bid rules were violated.<sup>29</sup>

While the Commission acknowledged the utility of a "pattern analysis procedure" in helping to identify malfeasance,<sup>30</sup> in the *Pattern Analysis Remand Order*, the Commission made the following important points about mistakes SLD should not make again in its consideration of the appeals on remand **or other application reviews** when utilizing the "pattern analysis procedure:"

- (1) USAC improperly denied the requests for funding without determining whether the Commission's rules were violated due to improper third-party participation in the applicants' competitive bidding processes;<sup>31</sup>
- (2) USAC presumed that schools violated the competitive bidding rules based on reviewing another applicant's information, without performing any applicant-specific evaluations;<sup>32</sup>
- (3) It is incumbent on USAC to conduct further investigation and analysis prior to denying funding based on a "pattern analysis."<sup>33</sup> A pattern analysis, alone, does not

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<sup>28</sup> Request for Review of the Decision of the Universal Service Administrator by Academy of Careers and Technologies San Antonio, TX, et al. and Schools and Libraries Universal Service Support Mechanism, Order, 21 FCC Rcd 5348, ¶1 (2006) ("*Pattern Analysis Remand Order*").

<sup>29</sup> *Id.*, ¶ 5.

<sup>30</sup> *Id.*, ¶ 8.

<sup>31</sup> *Id.*, ¶ 1.

<sup>32</sup> *Id.*, ¶ 6.

<sup>33</sup> *Id.*, ¶ 7.



justify a finding that an applicant has violated program rules or engaged in waste, fraud, or abuse;<sup>34</sup>

(4) USAC should not issue summary denials of requests for funding solely because applications contain similar language;<sup>35</sup> and

(5) USAC must determine whether funding is warranted and whether an applicant actually violated program rules.<sup>36</sup>

#### **D. The Commission's Caldwell Parish Order**

Beginning in 2006, with the *Pattern Analysis Remand Order*, USAC has been charged with issuing awards or denials based on a *complete review and analysis*:<sup>37</sup> “In performing a complete review and analysis of each underlying application, USAC shall either grant the underlying application before it, or, if denying the application, provide the applicant with any and all grounds for denial.”<sup>38</sup>

Specifically, in the *Pattern Analysis Remand Order*, the FCC held:

For these reasons, we find that when USAC suspects that a service provider has improperly participated in an applicant's bidding process due to the results of its “pattern analysis” procedure, it is incumbent on USAC to conduct further investigation and analysis prior to denying funding. Specifically, USAC should review these applications fully, and should not issue summary denials of requests for funding solely because applications contain similar language. If an entity is

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<sup>34</sup> *Id.*, ¶ 8.

<sup>35</sup> *Id.*, ¶ 7.

<sup>36</sup> *Id.*, ¶ 8.

<sup>37</sup> Request for Review of the Decision of the Universal Service Administrator by Academy of Careers and Technologies San Antonio, TX, et al. and Schools and Libraries Universal Service Support Mechanism, Order, 21 FCC Rcd 5348, ¶¶ 1 & 7 (2006) (“Pattern Analysis Remand Order”).

<sup>38</sup> Requests for Review of Decisions of the Universal Service Administrator by Caldwell Parish School District, et al. Columbia, Louisiana, Order, 23 FCC Rcd 2784, ¶ 2 n.5 (2008) (“Caldwell Parish”); See also Requests for Review and Waiver of Decisions of the Universal Service Administrator by State of Arkansas, Department of Information Systems, Little Rock, Arkansas, et al.; Order, 23 FCC Rcd 9373, ¶ 1 n.5 (2008), Requests for Review of the Decision of the Universal Service Administrator by District of Columbia Public Schools, Order, 23 FCC Rcd 15585, ¶ 7 n.39 (2008), Review of Decisions of the Universal Service Administrator by Collegio Nuestra Senora del Carmen, Hatillo, Puerto Rico, et al., Order, 23 FCC Rcd 15568, ¶ 18 n.62, and Request for Review of a Decision of the Universal Service Administrator by Albert Lea Area Schools, Albert Lea, Minnesota, et al., Order, 24 FCC Rcd 4533, ¶ 11, n.51 (2009).

able to demonstrate that it fully complied with all program rules and did not, for example, violate the Commission's competitive bidding rules, then USAC should not deny funding on the basis of the "pattern analysis" procedure.<sup>39</sup>

In addition, the FCC decided another case that has a very similar fact pattern as here. In the *Caldwell Parish* case, SLD had before it multiple E-Rate applications that it denied based on a pattern analysis and similarities across the applications. SLD did not allege, any specific competitive bidding violations with respect to each and every applicant, just allegations of possible impermissible service provider involvement based upon the pattern analysis. SLD also alleged that the applicant did not prove that a service provider was not involved in the competitive bidding process. Per the FCC, the burden of proving a rule violation, the burden of proving improper service provider involvement, is on SLD, not the applicant. The FCC found that SLD improperly denied the requests for funding "without sufficiently examining whether the Commission's rules actually were violated due to improper service provider involvement in the applicants' competitive bidding processes."<sup>40</sup> The Commission also found that "any perceived similarities on the applicants' FCC Forms 470 may not have been due to improper service provider involvement."<sup>41</sup> The Commission went on to find that:

[T]he applicants provided evidence that there was no improper service provider involvement. Each applicant asserted by sworn statement and under penalty of perjury that [the service provider] did not participate in the competitive bidding process. In response to the PAIR letters, these eight applicants each identified school personnel as the persons involved with filling out and submitting the FCC Forms 470 and that all FCC Forms 470 were filed from the applicant's premises. Additionally, in their responses to the PAIR letters, each applicant stated that no one outside of its school district assisted with determining the types of services for which it would seek bids. In fact, each applicant described the decision-making structure employed by the school and identified the school board or

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<sup>39</sup> Pattern Analysis Remand Order, ¶ 7.

<sup>40</sup> *Caldwell Parish*, ¶ 10.

<sup>41</sup> *Id.*, ¶ 13.

school staff involved in making the final determination of the services requested and the vendor selected.<sup>42</sup>

We ask the Commission to apply the decisions and policies rendered in the *Pattern Analysis Remand Order* and *Caldwell Parish* orders to the situation at hand.

Instead, here, the SLD ignored the Schools responses and declarations that the Schools made under penalty of perjury that Computer Consulting did not participate in the competitive bidding process and that the Schools were responsible for filling out and submitting forms. This it cannot do. On one hand, the SLD states that a service provider can provide vendor neutral assistance and, on the other hand, when it did so in the earlier years of the E-Rate Program in a vendor neutral manner, when rules and eligibility and relationships were still being defined by the SLD and not yet not codified by the Commission, the SLD, without citing any Commission rule, simply denies all the Schools despite the fact that it recently approved Hopkins for the same RFP issue that is at issue in this case.

In the interest of fairness, the public interest, due process, proper administrative oversight, these cases have been lingering for approximately five years with the SLD. The sample, vendor neutral RFP at issue was developed in the nascent stages of the E-Rate Program through multiple sources and put into circulation by school districts over multiple years through the Kentucky State listserv, sharing between school districts, and discussions among school IT Directors.<sup>43</sup> This is what schools do, especially in rural school districts that do not benefit from budgetary resources for IT Departments. The school districts rely upon the sharing of information with one another.

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<sup>42</sup> Caldwell Parish, ¶13.

<sup>43</sup> See Exhibit D, Declarations of Jeff Nelson and Dale Weaver (Paducah); Shari Winstead (Hopkins); Dennis Gomer (Computer Consulting).

The result of this delay in decision has defacto suspended a service provider from participation in the E-Rate Program, and it has denied rural schools and their students access to sorely needed technology. It has created disruption in the ability of the schools to plan for technology, to budget for their technology needs, to do their job.<sup>44</sup> In addition, it is unreasonable and unfair to require the service provider and schools to respond to these allegations now after so many years have passed.

#### **E. The Commission's 6th Report and Order**

In 2010, the Commission provided guidance in its *6th Report and Order* on what constitutes a fair and open competitive bidding process.<sup>45</sup> Generally, the FCC explained, all bidders and service providers must have access to the same information, all bidders and providers must be treated in the same manner, and any changes to the Form 470, RFP, or other requirements or specifications must be provided to all potential service providers at the same time and in a uniform manner. The Commission further explained that it is a violation of the competitive bidding requirements if:

- (1) An applicant has a relationship with a service provider that would unfairly influence the outcome of a competition or would furnish the service provider with “inside” information;
- (2) Someone other than the application or an authorized representative of the applicant prepares, signs, and submits the FCC Form 470 and certification;
- (3) A service provider representative is listed as the FCC Form 470 contact person and that service provider is allowed to participate in the competitive bidding process;
- (4) A service provider prepares the applicant's FCC Form 470 or participates in the bid evaluation or vendor selection process in any way;

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<sup>44</sup> See Exhibit D, Declarations of Jeff Nelson and Dale Weaver (Paducah).

<sup>45</sup> Schools and Libraries Universal Service Support Mechanism, A National Broadband Plan For Our Future, Sixth Report and Order, 25 FCC Rcd 18762, ¶86 (2010) (“6th Report and Order”).

- (5) An applicant turns over to a service provider the responsibility for ensuring a fair and open competitive bidding process;
- (6) An applicant employee with a role in the service provider selection process also has an ownership interest in the vendor that is seeking to provide the products or services;
- (7) FCC Form 470 does not describe the desired products and services with sufficient specificity to enable interested parties to submit responsive bids;<sup>46</sup>

As discussed more fully herein, the Schools and Computer Consulting did not violate any of these prohibitions enumerated by the Commission less than a year ago, but, instead, the Schools attest that the competitive bidding process was fair and open and in accordance with federal, state and local law.

**V. THE FACTS IN THIS CASE DEMONSTRATE THAT THE SCHOOLS CONDUCTED THEIR OWN COMPETITIVE BID PROCESS WITHOUT ANY SERVICE PROVIDER INVOLVEMENT**

Each Authorized School Representative provided complete answers to each question posed by the SLD. Each School represented that either he/she or an employee of the School was responsible for preparing and filing the relevant Form 470 and RFP. Each School specifically noted that no outside organization was used in determining the bid process. Each Authorized School Representative signed a Pattern Analysis Certification, declaring under penalty of perjury that there was no service provider involvement in the preparation or filing of the Form 470, the RFP, or in the competitive bidding process. Each School specifically stated that Computer Consulting did not participate in the preparation or filing of the Form 470, RFP, or the competitive bidding process. Furthermore, the attached declarations validate and support the facts that Computer Consultants did not provide assistance in completing the Schools' RFPs; nor

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<sup>46</sup> Id.

did they do anything to unfairly influence the outcome of competition.<sup>47</sup> In addition, it is important to note that Computer Consulting was and has been a service provider to Paducah since 2001 and to Hopkins since 2004, during which time, Computer Consulting has never interfered with the Schools competitive bidding processes nor offered any incentive that would unfairly influence the outcome of such competition, such as providing assistance in completing forms. In addition, according to Hopkins, no other service providers, except Computer Consulting, even bid on a basic maintenance contract with Hopkins for FY2006, which raises the question of how could supplying a vendor neutral, industry standard, sample RFP unfairly influence a bidding process in which no other company even participated.<sup>48</sup>

SLD cannot be allowed to disregard these facts and the clear evidence in the record that there was no impermissible service provider involvement by Computer Consulting. No such involvement or Commission rule violations on this basis were found by the SLD as required by the *Pattern Analysis Remand Order*. Accordingly, the Commission should grant this Consolidated Appeal.

The SLD ignored critical factual differences in this case from the *MasterMind* line of cases. First, in *MasterMind* and its progeny, the Commission denied the applicants' requests for funding because in each case an employee or representative of the service provider was listed as the contact for the applicant. In this case, however, Computer Consulting is not an employee or representative of the Schools. In addition, a service provider was not listed as a contact on the

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<sup>47</sup> See Exhibit E, Pattern Analysis Information Request FY2005 & Paducah's Responses; Exhibit F, Pattern Analysis Information Request FY2006 & Hopkins' Responses. See also Exhibit D, Declarations of Jeff Nelson and Dale Weaver (Paducah); Shari Winstead (Hopkins); Dennis Gomer (Computer Consulting).

<sup>48</sup> See *id.*

Schools FCC Form 470s. Rather, Computer Consulting simply provided sample RFPs that had been in wide circulation for years and were completely vendor neutral.

The Schools and Computer Consulting disagree with SLD's apparent perception that providing vendor neutral, widely distributed sample RFPs equates to improper service provider involvement and a competitive bidding violation. There was no improper service provider involvement in the present case. The Schools complied with all known rules and guidance regarding competitive bidding for the services they sought, and SLD has not provided evidence of any actual rule violations.

SLD does not explain its rationale in reaching its decision by providing any evidence of how the vendor neutral sample RFP violated any competitive process. Rather, SLD creates a new policy – i.e., that the use of sample RFPs, even without actual proof of impermissible service provider involvement, indicate per se violations of the competitive bidding rules and justify denial of E-Rate funding requests.

SLD is not empowered to make this policy, interpret any unclear rule promulgated by the FCC, or create the equivalent of new Program guidelines.<sup>49</sup> In addition, such a policy leads to confusing and unintended results when funding requests are denied based upon nothing more than similarities among applications or sharing of widely distributed sample RFPs; such as is the case of this Consolidated Appeal. Such activities are not tantamount to impermissible service provider involvement or violations of the competitive bidding rules. The SLD subjected the Schools to a rigorous and lengthy selective review process and PAIR review process and received information from the Schools about how they completed their applications and undertook competitive bidding for the services they sought. The SLD did not learn, nor have

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<sup>49</sup> See 47 C.F.R. § 54.702(c); Changes to the Board of Directors of the Nat'l Exchange Carrier Ass'n, Inc., 13 FCC Rcd 25058, 25066-67 (1998).

they alleged, any specific facts that indicate that there was, in fact, impermissible service provider involvement. They have only alleged an unproved inference, “suggestion” or “indication” that providing a vendor neutral, widely distributed sample RFP equates to a competitive bid violation. An inference, “suggestion,” or “indication” of service provider involvement is not enough justification to deny applications for sorely needed E-Rate funds.

Nor did Computer Consulting prepare and distribute RFPs on behalf of certain schools or participate in any manner, other than as a competitively neutral service provider, during the competitive bidding process. There is not one piece of evidence that the authorized representatives of any of the Schools ceded control in any way to Computer Consulting or to any other service provider pertaining to their E-Rate funding requests. In fact, all of the Schools expressly stated in their PAIR responses and Declarations that there was “NO” service provider involvement in the competitive bidding process.<sup>50</sup> Therefore, SLD erred in its finding that there was any inappropriate service provider involvement by Computer Consulting.

Furthermore, unlike *MasterMind* and its progeny, the Schools did not delegate the task of disseminating information regarding the services requested to Computer Consulting. All of the Schools stated that they undertook their own competitive bidding process in good faith; complied with all federal, state, and local rules; and, considered all factors set forth under those rules.<sup>51</sup> Accordingly, the Schools conducted a fair and open competitive bidding process.

Unlike the applicants in the *MasterMind* line of cases, the School’s bidding process was wholly consistent with the public interest requirements underlying the integrity of the

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<sup>50</sup> See Exhibit E, Pattern Analysis Information Request FY2005 & Paducah’s Responses; Exhibit F, Pattern Analysis Information Request FY2006 & Hopkins’ Responses. See also Exhibit D, Declarations of Jeff Nelson and Dale Weaver (Paducah); Shari Winstead (Hopkins); Dennis Gomer (Computer Consulting).

<sup>51</sup> Id.



competitive bidding process. It is clear that the facts in this case simply do not support the SLD's conclusion. Indeed the facts indicate just the opposite, that the Schools employees submitted the FCC Form 470s and drafted and posted the RFPs to the SLD wholly without involvement of any service provider. The Schools conducted a bid process in compliance with the E-Rate competitive bid rules and were responsible for filling out their forms, preparing their RFPs, and answering and certifying questions in their selective reviews and PAIR responses.<sup>52</sup>

Moreover, the FCC clearly required SLD to demonstrate that a competitive bid violation occurred on a case-by-case (school-by-school) basis. In this case, SLD failed to demonstrate through factual findings that Computer Consulting was improperly involved in the competitive bidding process, such as through: (1) signing the FCC Form 470, (2) acting as the point of contact on the FCC Form 470, (3) preparing and issuing a FCC Form 470 or RFP that was not competitively neutral, i.e., seeking products and services that only were tailored in favor of one provider; (4) receiving the proposals, (5) controlling information flowing from the applicant to other service providers, (6) assisting in the evaluation of the bids, (7) providing advice and assistance with respect to competitors' bids, and/or (8) receiving the applicant RFP prior to it being made available publicly.

SLD's attempt to create a nexus of service provider involvement fails. The holdings in the *MasterMind*, *Pattern Analysis Remand Order*, and *Caldwell Parish* cases cannot be used as a blunt instrument, or a bright line test, without regard to the individual facts of a case. To do so misses the essential point – that the spirit and letter of the competitive bidding process and rules were observed and the public interest was served by the bidding process undertaken by the

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<sup>52</sup> *Id.*

Schools. The only fair and equitable result in these cases lies in overturning the SLD's decision and the funding of these applications.

## **VI. MOREOVER, COMPUTER CONSULTING'S ACTIONS DID NOT CONTRAVENE APPLICABLE GUIDELINES FOR PERMISSIBLE SERVICE PROVIDER INVOLVEMENT**

The SLD describes on its website what role a service provider can take without violating the FCC's and the SLD's competitive bidding rules.<sup>53</sup> For example, the SLD explains that service providers can communicate with an applicant so long as such communication is neutral and does not taint the competitive bidding process. A service provider can provide basic information regarding the E-Rate Program to an applicant, and can assist with an applicant's RFPs so long as the assistance is neutral.<sup>54</sup> A service provider also can provide an applicant with technical assistance on the development of a technology plan, including information regarding products and services that are being furnished to the applicant.

The SLD explains on its website that a service provider cannot: (1) sign a Form 470 or 471 for an applicant; (2) be listed as a contact person on a Form 470; (3) act as a technology plan approver for an applicant; (4) prepare RFPs for an applicant; (5) provide or waive funding for an applicant's undiscounted portion of equipment and services obtained through the E-Rate Program; (6) coerce or pressure an applicant to use a specific service provider; or, (7) interfere with or obstruct an applicant's competitive bidding process.<sup>55</sup> The SLD has not made any factual finding that Computer Consulting engaged in any of the foregoing prohibited conduct.

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<sup>53</sup> USAC, "Step 5: Assist Applicants with Application Review," *available at* <http://www.universalservice.org/sl/providers/step05/>.

<sup>54</sup> USAC, "Step 1: Proper Service Provider Assistance to Applicants," *available at* <http://www.universalservice.org/sl/providers/step01/proper-service-provider-assistance.aspx>.

<sup>55</sup> USAC Website, "Step 1: Inappropriate Roles for Service Providers." Retrieved on April 25, 2011 from <http://www.universalservice.org/sl/providers/step01/inappropriate-roles-providers.aspx>.

## **VII. CONCLUSION AND REQUEST FOR RELIEF**

Computer Consulting and the Schools respectfully request the Commission find that the SLD failed to meet its burden in establishing and proving as required by Commission Orders that the Schools and Computer Consulting violated any Commission Order or rule. The Schools and Computer Consulting also respectfully request that the Commission find that the SLD improperly applied the pattern analysis procedures and, based on the evidence submitted, there has been no competitive bid rule violation. Furthermore, the Schools and Computer Consulting respectfully request the Commission to consider setting time limits requiring the SLD to issue FCDLs no more than one year after the filing of an FCC Form 471—not three to five years later—and requiring the SLD to decide an appeal within six months of receipt, because three to five years after an appeal is filed with the SLD is too long and very disruptive to the business operations of schools and service providers and to the FCC rules governing E-Rate. Finally, Computer Consulting and the Schools request the Commission to remand the application to USAC with instructions to issue a revised FCDL funding the Schools FRNs at issue in this appeal no later than 60 days from the release date of the Commission's order granting this appeal.

Respectfully submitted,

\_\_\_\_\_/s/\_\_\_\_\_  
Dennis M. Gomer  
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\_\_\_\_\_/s/\_\_\_\_\_  
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*Counsel to Computer Consulting &  
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(Service Provider to Paducah and  
Hopkins)

May 20, 2011

## CERTIFICATE OF SERVICE

I, Ryan W. King, certify on this 20th day of May, 2011, a copy of the foregoing Consolidated Request for Review has been served via electronic mail or first class mail, postage pre-paid, to the following:

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\_\_\_\_\_/s/\_\_\_\_\_  
Ryan W. King

## **EXHIBITS**

- A. FY2006 Funding Commitment Decision Letter (Paducah and Hopkins)
- B. Administrator's Decision on Appeal – Funding Year 2005-2006 (Hopkins)
- C. Administrator's Decision on Appeal – Funding Year 2005-2006 (Huntingdon & Muhlenberg)
- D. Declarations of Jeff Nelson and Dale Weaver (Paducah); Shari Winstead (Hopkins); Dennis Gomer (Computer Consulting)
- E. Pattern Analysis Information Request FY2005 & Paducah's Responses
- F. Pattern Analysis Information Request FY2006 & Hopkins' Responses
- G. Huntingdon RFP (Sample)
- H. Paducah FY2005 RFP
- I. Hopkins FY2006 RFP

## **EXHIBIT A**

# FUNDING COMMITMENT REPORT

Service Provider Name: Computer Consulting & Network Design, Inc.  
SPIN: 143020012  
Funding Year: 2006

Name of Billed Entity: HOPKINS COUNTY SCHOOL DISTRICT  
Billed Entity Address: 320 S SEMINARY ST  
Billed Entity City: MADISONVILLE  
Billed Entity State: KY  
Billed Entity Zip Code: 42431  
Billed Entity Number: 129009  
Contact Person's Name: Shari Winstead  
Preferred Mode of Contact: EMAIL  
Contact Information: swinstead@hopkins.k12.ky.us  
Form 471 Application Number: 500090  
Funding Request Number: 1396567  
Funding Status: Not Funded  
Category of Service: Basic Maintenance of Internal Connection  
Site Identifier: 21 02860 01586  
Form 470 Application Number: 986730000557521  
Contract Number: N/A  
Billing Account Number: 270-825-6000  
Service Start Date: 07/01/2006  
Contract Expiration Date: 09/30/2010  
Number of Months Recurring Service Provided in Funding Year: 12  
Annual Pre-Discount Amount for Eligible Recurring Charges: \$12,000.00  
Annual Pre-Discount Amount for Eligible Non-Recurring Charges: \$.00  
Pre-Discount Amount: \$12,000.00  
Applicant's Discount Percentage Approved by SLD: N/A  
Funding Commitment Decision: \$.00 - Bidding Violation  
Funding Commitment Decision Explanation: USAC's Program Integrity Assurance review revealed similarities in Forms 470 and Request for Proposals (RFPs) for entities which have Computer Consulting & Network Design as a service provider on its Form(s) 471 application(s). USAC contacted applicants and explained that for applicants who had chosen Computer Consulting & Network Design as their service provider, documents with striking similarities had been provided to USAC to support their funding requests. For each type of document, USAC asked each applicant to explain how they prepared each type of document, to provide any supporting documentation, and to specify the individual who prepared the relevant documents. In response to USAC's questions, you stated that an RFP sample was provided by Computer Consulting & Network Design. Computer Consulting & Network Design, a service provider you later selected to provide services, assisted you with your competitive bidding process by providing you with a sample RFP. Program rules state that a service provider must not interfere with the applicants competitive bidding process or offer any incentive that would unfairly influence the outcome of such competition, such as providing assistance in completing forms, and an applicant should not have a relationship with a service provider prior to the competitive bidding that would unfairly influence the outcome of a competition. Therefore, the FRN is denied.

FCDL Date: 03/21/2011

Wave Number: 61L

Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2012



**FUNDING COMMITMENT REPORT**

Service Provider Name: Computer Consulting & Network Design, Inc.  
SPIN: 143020012  
Funding Year: 2006

Name of Billed Entity: PADUCAH INDEP. SCHOOL DISTRICT  
Billed Entity Address: 800 CALDWELL STREET  
Billed Entity City: PADUCAH  
Billed Entity State: KY  
Billed Entity Zip Code: 42003  
Billed Entity Number: 128941  
Contact Person's Name: JEFF NELSON  
Preferred Mode of Contact: EMAIL  
Contact Information: Jeff.Nelson@Paducah.kyschools.us  
Form 471 Application Number: 502979  
Funding Request Number: 1408712  
Funding Status: Not Funded  
Category of Service: Basic Maintenance of Internal Connection  
Site Identifier: 21 04650 01146  
Form 470 Application Number: 363760000525571  
Contract Number: N/A  
Billing Account Number: N/A  
Service Start Date: 07/01/2006  
Contract Expiration Date: 06/30/2010  
Number of Months Recurring Service Provided in Funding Year: 12  
Annual Pre-Discount Amount for Eligible Recurring Charges: \$9,375.00  
Annual Pre-Discount Amount for Eligible Non-Recurring Charges: \$ .00  
Pre-Discount Amount: \$9,375.00  
Applicant's Discount Percentage Approved by SLD: N/A  
Funding Commitment Decision: \$ .00 - Bidding Violation  
Funding Commitment Decision Explanation: USACs Program Integrity Assurance review revealed similarities in Forms 470 and Request for Proposals (RFPs) for entities which have Computer Consulting & Network Design as a service provider on its Form(s) 471 application(s). USAC contacted applicants and explained that for applicants who had chosen Computer Consulting & Network Design as their service provider, documents with striking similarities had been provided to USAC to support their funding requests. For each type of document, USAC asked each applicant to explain how they prepared each type of document, to provide any supporting documentation, and to specify the individual who prepared the relevant documents. In response to USACs questions, you stated that Computer Consulting & Network Design developed a sample RFP that was used as a starting point for the RFP that was used during the competitive bidding process. Computer Consulting & Network Design, a service provider you later selected to provide services, assisted with your competitive bidding process by providing you with a sample RFP. Program rules state that a service provider must not interfere with the applicants competitive bidding process or offer any incentive that would unfairly influence the outcome of such competition, such as providing assistance in completing forms, and an applicant should not have a relationship with a service provider prior to the competitive bidding that would unfairly influence the outcome of a competition. Therefore, the FRN is denied.

ECDL Date: 03/21/2011

Wave Number: 61L

Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2012

Service Provider Name: Computer Consulting & Network Design, Inc.  
SPIN: 143020012  
Funding Year: 2006

FCDL Date: 03/21/2011  
Wave Number: 61L  
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2012



# FUNDING COMMITMENT REPORT

Service Provider Name: Computer Consulting & Network Design, Inc.

SPIN: 143020012

Funding Year: 2006

Name of Billed Entity: PADUCAH INDEP SCHOOL DISTRICT

Billed Entity Address: 800 CALDWELL STREET

Billed Entity City: PADUCAH

Billed Entity State: KY

Billed Entity Zip Code: 42003

Billed Entity Number: 128941

Contact Person's Name: JEFF NELSON

Preferred Mode of Contact: EMAIL

Contact Information: Jeff.Nelson@Paducah.kyschools.us

Form 471 Application Number: 502979

Funding Request Number: 1408923

Funding Status: Not Funded

Category of Service: Basic Maintenance of Internal Connection

Site Identifier: 21 04650 01152

Form 470 Application Number: 363760000525571

Contract Number: N/A

Billing Account Number: N/A

Service Start Date: 07/01/2006

Contract Expiration Date: 06/30/2010

Number of Months Recurring Service Provided in Funding Year: 12

Annual Pre-Discount Amount for Eligible Recurring Charges: \$9,375.00

Annual Pre-Discount Amount for Eligible Non-Recurring Charges: \$.00

Pre-Discount Amount: \$9,375.00

Applicant's Discount Percentage Approved by SLD: N/A

Funding Commitment Decision: \$.00 - Bidding Violation

Funding Commitment Decision Explanation: USACs Program Integrity Assurance review revealed similarities in Forms 470 and Request for Proposals (RFPs) for entities which have Computer Consulting & Network Design as a service provider on its Form(s) 471 application(s). USAC contacted applicants and explained that for applicants who had chosen Computer Consulting & Network Design as their service provider, documents with striking similarities had been provided to USAC to support their funding requests. For each type of document, USAC asked each applicant to explain how they prepared each type of document, to provide any supporting documentation, and to specify the individual who prepared the relevant documents. In response to USACs questions, you stated that Computer Consulting & Network Design developed a sample RFP that was used as a starting point for the RFP that was used during the competitive bidding process. Computer Consulting & Network Design, a service provider you later selected to provide services, assisted with your competitive bidding process by providing you with a sample RFP. Program rules state that a service provider must not interfere with the applicants competitive bidding process or offer any incentive that would unfairly influence the outcome of such competition, such as providing assistance in completing forms, and an applicant should not have a relationship with a service provider prior to the competitive bidding that would unfairly influence the outcome of a competition. Therefore, the FRN is denied.

ECDL Date: 03/21/2011

Wave Number: 611

Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2012

**FUNDING COMMITMENT REPORT**

Service Provider Name: Computer Consulting & Network Design, Inc.  
SPIN: 143020012  
Funding Year: 2006

Name of Billed Entity: PADUCAH INDEP SCHOOL DISTRICT  
Billed Entity Address: 800 CALDWELL STREET  
Billed Entity City: PADUCAH  
Billed Entity State: KY  
Billed Entity Zip Code: 42003  
Billed Entity Number: 128941  
Contact Person's Name: JEFF NELSON  
Preferred Mode of Contact: EMAIL  
Contact Information: Jeff.Nelson@Paducah.kyschools.us  
Form 471 Application Number: 502979  
Funding Request Number: 1408950  
Funding Status: Not Funded  
Category of Service: Basic Maintenance of Internal Connection  
Site Identifier: 21 04650 01144  
Form 470 Application Number: 363760000525571  
Contract Number: N/A  
Billing Account Number: N/A  
Service Start Date: 07/01/2006  
Contract Expiration Date: 06/30/2010  
Number of Months Recurring Service Provided in Funding Year: 12  
Annual Pre-Discount Amount for Eligible Recurring Charges: \$13,125.00  
Annual Pre-Discount Amount for Eligible Non-Recurring Charges: \$ .00  
Pre-Discount Amount: \$13,125.00  
Applicant's Discount Percentage Approved by SLD: N/A  
Funding Commitment Decision: \$ .00 - Bidding Violation  
Funding Commitment Decision Explanation: USAC's Program Integrity Assurance review revealed similarities in Forms 470 and Request for Proposals (RFPs) for entities which have Computer Consulting & Network Design as a service provider on its Form(s) 471 application(s). USAC contacted applicants and explained that for applicants who had chosen Computer Consulting & Network Design as their service provider, documents with striking similarities had been provided to USAC to support their funding requests. For each type of document, USAC asked each applicant to explain how they prepared each type of document, to provide any supporting documentation, and to specify the individual who prepared the relevant documents. In response to USAC's questions, you stated that Computer Consulting & Network Design developed a sample RFP that was used as a starting point for the RFP that was used during the competitive bidding process. Computer Consulting & Network Design, a service provider you later selected to provide services, assisted with your competitive bidding process by providing you with a sample RFP. Program rules state that a service provider must not interfere with the applicants competitive bidding process or offer any incentive that would unfairly influence the outcome of such competition, such as providing assistance in completing forms, and an applicant should not have a relationship with a service provider prior to the competitive bidding that would unfairly influence the outcome of a competition. Therefore, the ERN is denied.

FCDL Date: 03/21/2011

Wave Number: 61L

Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2012



# FUNDING COMMITMENT REPORT

Service Provider Name: Computer Consulting & Network Design, Inc.  
SPIN: 143020012  
Funding Year: 2006

Name of Billed Entity: PADUCAH INDEP SCHOOL DISTRICT  
Billed Entity Address: 800 CALDWELL STREET  
Billed Entity City: PADUCAH  
Billed Entity State: KY  
Billed Entity Zip Code: 42003  
Billed Entity Number: 128941  
Contact Person's Name: JEFF NELSON  
Preferred Mode of Contact: EMAIL  
Contact Information: Jeff.Nelson@Paducah.kyschools.us  
Form 471 Application Number: 502985  
Funding Request Number: 1409280  
Funding Status: Not Funded  
Category of Service: Internal Connections  
Site Identifier: 21 04650 01146  
Form 470 Application Number: 363760000525571  
Contract Number: N/A  
Billing Account Number: N/A  
Service Start Date: 07/01/2006  
Contract Expiration Date: 06/30/2010  
Number of Months Recurring Service Provided in Funding Year: 12  
Annual Pre-Discount Amount for Eligible Recurring Charges: \$ 00  
Annual Pre-Discount Amount for Eligible Non-Recurring Charges: \$12,000.00  
Pre-Discount Amount: \$12,000.00  
Applicant's Discount Percentage Approved by SLD: N/A  
Funding Commitment Decision: \$ 00 - Bidding Violation- SRC  
Funding Commitment Decision Explanation: USAC's Program Integrity Assurance review revealed similarities in Forms 470 and Request for Proposals (RFPs) for entities which have Computer Consulting & Network Design as a service provider on its Form(s) 471 application(s). USAC contacted applicants and explained that for applicants who had chosen Computer Consulting & Network Design as their service provider, documents with striking similarities had been provided to USAC to support their funding requests. For each type of document, USAC asked each applicant to explain how they prepared each type of document, to provide any supporting documentation, and to specify the individual who prepared the relevant documents. In response to USAC's questions, you stated that Computer Consulting & Network Design developed a sample RFP that was used as a starting point for the RFP that was used during the competitive bidding process. Computer Consulting & Network Design, a service provider you later selected to provide services, assisted with your competitive bidding process by providing you with a sample RFP. Program rules state that a service provider must not interfere with the applicant's competitive bidding process or offer any incentive that would unfairly influence the outcome of such competition, such as providing assistance in completing forms, and an applicant should not have a relationship with a service provider prior to the competitive bidding that would unfairly influence the outcome of a competition. Therefore, the FRN is denied.

ECDL Date: 03/21/2011

Wave Number: 611

Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2012

# FUNDING COMMITMENT REPORT

Service Provider Name: Computer Consulting & Network Design, Inc.  
SPIN: 143020012  
Funding Year: 2006

Name of Billed Entity: PADUCAH INDEP SCHOOL DISTRICT  
Billed Entity Address: 800 CALDWELL STREET  
Billed Entity City: PADUCAH  
Billed Entity State: KY  
Billed Entity Zip Code: 42003  
Billed Entity Number: 128941  
Contact Person's Name: JEFF NELSON  
Preferred Mode of Contact: EMAIL  
Contact Information: Jeff.Nelson@Paducah.kyschools.us  
Form 471 Application Number: 502985  
Funding Request Number: 1409294  
Funding Status: Not Funded  
Category of Service: Internal Connections  
Site Identifier: 21 04650 01150  
Form 470 Application Number: 363760000525571  
Contract Number: N/A  
Billing Account Number: N/A  
Service Start Date: 07/01/2006  
Contract Expiration Date: 06/30/2010  
Number of Months Recurring Service Provided in Funding Year: 12  
Annual Pre-Discount Amount for Eligible Recurring Charges: \$ .00  
Annual Pre-Discount Amount for Eligible Non-Recurring Charges: \$12,000.00  
Pre-Discount Amount: \$12,000.00  
Applicant's Discount Percentage Approved by SLD: N/A  
Funding Commitment Decision: \$ .00 - Bidding Violation- SRC  
Funding Commitment Decision Explanation: USAC's Program Integrity Assurance review revealed similarities in Forms 470 and Request for Proposals (RFPs) for entities which have Computer Consulting & Network Design as a service provider on its Form(s) 471 application(s). USAC contacted applicants and explained that for applicants who had chosen Computer Consulting & Network Design as their service provider, documents with striking similarities had been provided to USAC to support their funding requests. For each type of document, USAC asked each applicant to explain how they prepared each type of document, to provide any supporting documentation, and to specify the individual who prepared the relevant documents. In response to USAC's questions, you stated that Computer Consulting & Network Design developed a sample RFP that was used as a starting point for the RFP that was used during the competitive bidding process. Computer Consulting & Network Design, a service provider you later selected to provide services, assisted with your competitive bidding process by providing you with a sample RFP. Program rules state that a service provider must not interfere with the applicant's competitive bidding process or offer any incentive that would unfairly influence the outcome of such competition, such as providing assistance in completing forms, and an applicant should not have a relationship with a service provider prior to the competitive bidding that would unfairly influence the outcome of a competition. Therefore, the FRN is denied.

ECDL Date: 03/21/2011

Wave Number: 61L

Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2012



# FUNDING COMMITMENT REPORT

Service Provider Name: Computer Consulting & Network Design, Inc.  
SPIN: 143020012  
Funding Year: 2006

Name of Billed Entity: PADUCAH INDEP SCHOOL DISTRICT  
Billed Entity Address: 800 CALDWELL STREET  
Billed Entity City: PADUCAH  
Billed Entity State: KY  
Billed Entity Zip Code: 42003  
Billed Entity Number: 128941  
Contact Person's Name: JEFF NELSON  
Preferred Mode of Contact: EMAIL  
Contact Information: Jeff.Nelson@Paducah.kyschools.us  
Form 471 Application Number: 502985  
Funding Request Number: 1409305  
Funding Status: Not Funded  
Category of Service: Internal Connections  
Site Identifier: 21 04650 01152  
Form 470 Application Number: 363760000525571  
Contract Number: N/A  
Billing Account Number: N/A  
Service Start Date: 07/01/2006  
Contract Expiration Date: 06/30/2010  
Number of Months Recurring Service Provided in Funding Year: 12  
Annual Pre-Discount Amount for Eligible Recurring Charges: \$ .00  
Annual Pre-Discount Amount for Eligible Non-Recurring Charges: \$12,000.00  
Pre-Discount Amount: \$12,000.00

Applicant's Discount Percentage Approved by SLD: N/A  
Funding Commitment Decision: \$ .00 - Bidding Violation- SRC  
Funding Commitment Decision Explanation: USAC's Program Integrity Assurance review revealed similarities in Forms 470 and Request for Proposals (RFPs) for entities which have Computer Consulting & Network Design as a service provider on its Form(s) 471 application(s). USAC contacted applicants and explained that for applicants who had chosen Computer Consulting & Network Design as their service provider, documents with striking similarities had been provided to USAC to support their funding requests. For each type of document, USAC asked each applicant to explain how they prepared each type of document, to provide any supporting documentation, and to specify the individual who prepared the relevant documents. In response to USAC's questions, you stated that Computer Consulting & Network Design developed a sample RFP that was used as a starting point for the RFP that was used during the competitive bidding process. Computer Consulting & Network Design, a service provider you later selected to provide services, assisted with your competitive bidding process by providing you with a sample RFP. Program rules state that a service provider must not interfere with the applicant's competitive bidding process or offer any incentive that would unfairly influence the outcome of such competition, such as providing assistance in completing forms, and an applicant should not have a relationship with a service provider prior to the competitive bidding that would unfairly influence the outcome of a competition. Therefore, the ERN is denied.

ECDL Date: 03/21/2011

Wave Number: 611

Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2012

# FUNDING COMMITMENT REPORT

Service Provider Name: Computer Consulting & Network Design, Inc.  
SPIN: 143020012  
Funding Year: 2006

Name of Billed Entity: PADUCAH INDEP SCHOOL DISTRICT  
Billed Entity Address: 800 CALDWELL STREET  
Billed Entity City: PADUCAH  
Billed Entity State: KY  
Billed Entity Zip Code: 42003  
Billed Entity Number: 128941  
Contact Person's Name: JEFF NELSON  
Preferred Mode of Contact: EMAIL  
Contact Information: Jeff.Nelson@Paducah.kyschools.us  
Form 471 Application Number: 502985  
Funding Request Number: 1409322  
Funding Status: Not Funded  
Category of Service: Internal Connections  
Site Identifier: 21 04650 01144  
Form 470 Application Number: 363760000525571  
Contract Number: N/A  
Billing Account Number: N/A  
Service Start Date: 07/01/2006  
Contract Expiration Date: 06/30/2010  
Number of Months Recurring Service Provided in Funding Year: 12  
Annual Pre-Discount Amount for Eligible Recurring Charges: \$ .00  
Annual Pre-Discount Amount for Eligible Non-Recurring Charges: \$15,000.00  
Pre-Discount Amount: \$15,000.00  
Applicant's Discount Percentage Approved by SLD: N/A  
Funding Commitment Decision: \$ .00 - Bidding Violation- SRC  
Funding Commitment Decision Explanation: USAC's Program Integrity Assurance review revealed similarities in Forms 470 and Request for Proposals (RFPs) for entities which have Computer Consulting & Network Design as a service provider on its Form(s) 471 application(s). USAC contacted applicants and explained that for applicants who had chosen Computer Consulting & Network Design as their service provider, documents with striking similarities had been provided to USAC to support their funding requests. For each type of document, USAC asked each applicant to explain how they prepared each type of document, to provide any supporting documentation, and to specify the individual who prepared the relevant documents. In response to USAC's questions, you stated that Computer Consulting & Network Design developed a sample RFP that was used as a starting point for the RFP that was used during the competitive bidding process. Computer Consulting & Network Design, a service provider you later selected to provide services, assisted with your competitive bidding process by providing you with a sample RFP. Program rules state that a service provider must not interfere with the applicant's competitive bidding process or offer any incentive that would unfairly influence the outcome of such competition, such as providing assistance in completing forms, and an applicant should not have a relationship with a service provider prior to the competitive bidding that would unfairly influence the outcome of a competition. Therefore, the FRN is denied.

FCDL Date: 03/21/2011

Wave Number: 61L

Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2012



## **EXHIBIT B**



Universal Service Administrative Company

Schools and Libraries Division

**Administrator's Decision on Appeal – Funding Year 2005-2006**

*Via US Postal Services*

March 11, 2011

Paul C. Besozzi  
Jennifer L. Richter  
Patton Boggs LLP  
2550 M Street, NW  
Washington, DC 20037-1350

Re: Applicant Name: HOPKINS COUNTY SCHOOL DISTRICT  
Billed Entity Number: 129009  
Form 471 Application Number: 465032  
Funding Request Number(s): 1278640, 1278648, 1278659, 1278696, 1278706  
Your Correspondence Dated: September 28, 2007

After review of its internal documentation and the documentation provided by Computer Consulting & Network Design, Inc. and the Hopkins County School District as part of this appeal, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2005 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC or Commission). If your appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1278640, 1278648, 1278659, 1278696, 1278706  
Decision on Appeal: **Approved**  
Explanation:

Pursuant to the Commission's directives in *In the Matter of Request for Review of the Decision of the Universal Service Administrator by Academy of Careers and Technologies San Antonio, TX, et al., Schools and Libraries Universal Service Support Mechanism*<sup>1</sup> and *In the Matter of Requests for Review of Decisions of the Universal Service Administrator by Caldwell Parish School District, et al. Columbia, Louisiana Schools & Libraries Universal Service Support Mechanism*,<sup>2</sup> the SLD has determined that the Funding Request Numbers cited above should be approved for funding.

<sup>1</sup> CC Docket No. 02-6, 21 FCC Rcd 5348 (2006).

<sup>2</sup> CC Docket No. 02-6, 23 FCC Rcd 2784 (2008).

Since the Administrator's Decision on Appeal approves additional funding for this application, USAC will issue a Revised Funding Commitment Decision Letter (RFCDL) to you and the applicant. USAC will issue the RFCDL to you as soon as possible. If your appeal included Internal Connections at a discount level that has not yet been approved for funding, an RFCDL will be issued for those funding requests once USAC determines if there will be sufficient funds to make commitments at your discount level. The RFCDL will inform you of the precise dollar value of your approved funding request(s). As you await the RFCDL, you may share this Administrator's Decision on Appeal with the applicant.

If the original FCDL approved funding in part for the services covered by this appeal, the 120 day deadline for filing Forms 486 is determined based on the date of the original FCDL that approved funding for the request(s). However, if the original FCDL denied funding for the services covered by this appeal, Forms 486 cannot be filed until you have received your RFCDL.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division  
Universal Service Administrative Company

cc: Shari Winstead  
Director of Technology  
Hopkins County School District  
320 South Seminary Street  
Madisonville, KY 42431

**Administrator's Decision on Appeal – Funding Year 2005-2006**

*Via US Postal Services*

March 11, 2011

Paul C. Besozzi  
Jennifer L. Richter  
Patton Boggs LLP  
2550 M Street, NW  
Washington, DC 20037-1350

Re: Applicant Name: HOPKINS COUNTY SCHOOL DISTRICT  
Billed Entity Number: 129009  
Form 471 Application Number: 452329  
Funding Request Number(s): 1299504, 1299680, 1299719  
Your Correspondence Dated: September 28, 2007

After review of its internal documentation and the documentation provided by Computer Consulting & Network Design, Inc. and the Hopkins County School District as part of this appeal, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2005 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC or Commission). If your appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1299504, 1299680, 1299719  
Decision on Appeal: **Approved**  
Explanation:

Pursuant to the Commission's directives in *In the Matter of Request for Review of the Decision of the Universal Service Administrator by Academy of Careers and Technologies San Antonio, TX, et al., Schools and Libraries Universal Service Support Mechanism*<sup>1</sup> and *In the Matter of Requests for Review of Decisions of the Universal Service Administrator by Caldwell Parish School District, et al. Columbia, Louisiana Schools & Libraries Universal Service Support Mechanism*,<sup>2</sup> the SLD has determined that the Funding Request Numbers cited above should be approved for funding.

<sup>1</sup> CC Docket No. 02-6, 21 FCC Rcd 5348 (2006).

<sup>2</sup> CC Docket No. 02-6, 23 FCC Rcd 2784 (2008).

Since the Administrator's Decision on Appeal approves additional funding for this application, USAC will issue a Revised Funding Commitment Decision Letter (RFCDL) to you and the applicant. USAC will issue the RFCDL to you as soon as possible. If your appeal included Internal Connections at a discount level that has not yet been approved for funding, an RFCDL will be issued for those funding requests once USAC determines if there will be sufficient funds to make commitments at your discount level. The RFCDL will inform you of the precise dollar value of your approved funding request(s). As you await the RFCDL, you may share this Administrator's Decision on Appeal with the applicant.

If the original FCDL approved funding in part for the services covered by this appeal, the 120 day deadline for filing Forms 486 is determined based on the date of the original FCDL that approved funding for the request(s). However, if the original FCDL denied funding for the services covered by this appeal, Forms 486 cannot be filed until you have received your RFCDL.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division  
Universal Service Administrative Company

cc: Shari Winstead  
Director of Technology  
Hopkins County School District  
320 South Seminary Street  
Madisonville, KY 42431

## **EXHIBIT C**

**Administrator's Decision on Appeal – Funding Year 2005-2006**

*Via US Postal Services*

March 11, 2011

Paul C. Besozzi  
Jennifer L. Richter  
Patton Boggs LLP  
2550 M Street, NW  
Washington, DC 20037-1350

Re: Applicant Name: HUNTINGDON SPECIAL SCHOOL DIST  
Billed Entity Number: 128478  
Form 471 Application Number: 464272  
Funding Request Number(s): 1276400  
Your Correspondence Dated: September 28, 2007

The Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) issues this Administrator's Decision on Appeal with respect to your appeal of USAC's Funding Year 2005 Funding Commitment Decision Letter for the Application Number indicated above. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC or Commission). If your appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1276400  
Decision on Appeal: **Canceled**  
Explanation:

Pursuant to the direction of the Huntingdon Special School District (HSSD) on October 30, 2007, the Funding Request Numbers (FRNs) cited above were canceled during SLD review of this appeal. As HSSD has formally requested the cancellation of its FRNs associated with Computer Consulting & Network Design, Inc. (CC&ND), CC&ND's appeal is rendered moot.

For appeals that have been denied, partially approved, dismissed or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. Information on filing appeals is available at the following location on USAC's website: <http://www.usac.org/sl/about/appeals/default.aspx>.

We also thank you for your continued support, patience and cooperation during this appeal process.

Schools and Libraries Division  
Universal Service Administrative Company

cc: Dr. Steve Peery, Director of Technology  
Huntingdon Special School District  
585 High Street  
Huntingdon, TN 38344-0648



**Administrator's Decision on Appeal – Funding Year 2005-2006**

*Via US Postal Service*

March 11, 2011

Paul C. Besozzi  
Jennifer L. Richter  
Patton Boggs LLP  
2550 M Street, NW  
Washington, DC 20037-1350

Re: Applicant Name: MUHLENBERG COUNTY SCHOOL DIST  
Billed Entity Number: 128998  
Form 471 Application Number: 452144  
Funding Request Number(s): 1293729, 1293781, 1293846, 1293856, 1293892,  
1293904, 1293915  
Your Correspondence Dated: September 28, 2007

The Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) issues this Administrator's Decision on Appeal with respect to your appeal of USAC's Funding Year 2005 Funding Commitment Decision Letter for the Application Number indicated above. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC or Commission). If your appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1293729, 1293781, 1293846, 1293856, 1293892,  
1293904, 1293915

Decision on Appeal: **Canceled**

Explanation:

Pursuant to the direction of the Muhlenberg County School District (MCSD) on February 1, 2011, the Funding Request Numbers (FRNs) cited above were canceled during SLD review of this appeal. As MCSD has formally requested the cancelation of its FRNs associated with Computer Consulting & Network Design, Inc. (CC&ND), CC&ND's appeal is rendered moot.

For appeals that have been denied, partially approved, dismissed or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. Information on filing appeals is available at the following location on USAC's website: <http://www.usac.org/sl/about/appeals/default.aspx>.

We also thank you for your continued support, patience and cooperation during this appeal process.

Schools and Libraries Division  
Universal Service Administrative Company

cc: Chad Wells  
District Technology Coordinator  
Muhlenberg County School District  
510 West Main  
Powderly, KY 42345

## **EXHIBIT D**

**DECLARATION OF JEFF NELSON**  
**PADUCAH INDEPENDENT SCHOOL DISTRICT**

1. My name is Jeff Nelson. I am the former Director of Information Technologies ("Director") for Paducah Independent School District ("Paducah"). I held the position of Director from 1993 to 2008, at which time I retired from Paducah.
2. Paducah includes six schools and serves approximately 3,000 students.
3. Since 2008, I have served as President of an information technology ("IT") consulting company called Fox Run Technologies ("Fox Run"). As President of Fox Run, I have provided IT consulting services to Paducah for Funding Years ("FY") 2009, 2010, and 2011.
4. I began working in the IT field in 1988 for Computer Learning and Resource Center as owner/senior trainer.
5. I am proud that since Paducah began receiving Universal Service Fund ("USF") discounts in 1998, it has always operated an open and competitive bidding process and complied with Federal Communications Commission ("FCC"), Universal Service Administrative Company ("USAC"), state, and local requirements.
6. As Director, I completed and posted Paducah's FCC Form 470, File No. 363760000525571 ("Form 470"). Form 470 was posted from a computer located at Paducah, and no service provider employees or consultants assisted in the completion or posting of the Form 470.
7. Paducah received a Pattern Analysis Information Request FY2005 letter ("PAIR Letter") from the Schools and Libraries Division ("SLD") of USAC. I timely prepared and submitted Paducah's response to the PAIR Letter and completed the PAIR certificate.
8. Over the years, I have provided copies of Paducah's Requests for Proposal ("RFPs") to other school districts and have, in turn, received copies of RFPs from other districts. In fact, I have used a listserv maintained by the University of Kentucky, the Kentucky District Technology Coordinator's (KYDTC) listserv, over which it is a common practice for IT professionals from various school districts to ask for and receive copies of RFPs from each other.
9. All of Paducah's RFPs have used basically the same format and wording for many years.
10. Paducah chose not to bid for network maintenance at that time since the district still had one year remaining on a previous multi-year contract.
11. For FY2005, Paducah issued an RFP for Basic Network Maintenance and used a sample RFP provided by Computer Consulting as a starting point in drafting the district's Basic Network Maintenance RFP.

12. Paducah's RFP for Basic Network Maintenance was associated with a multi-year contract and applied to E-rate funding for FY2005, FY2006, and FY2007. Paducah did not issue an additional Basic Network Maintenance RFP for FY2006 or FY2007.
13. The sample RFP provided by Computer Consulting was a copy of an RFP that was issued by Huntingdon Special School District a few years before ("Huntingdon RFP"). At the time it was provided to Paducah, this exact same Huntingdon RFP was available to the public and I could have just as easily obtained a copy of it without the assistance of Computer Consulting.
14. I was the only individual that worked on preparing the Basic Network Maintenance RFP. No one outside of the district assisted or was involved in the preparation of the RFP.
15. Computer Consulting did not participate in the preparation or filing of the Form 470, RFP, or the competitive bidding process.
16. While I was Director, Paducah received three Selective Review Information Requests (SRIMs) from SLD (October 2006, August 2007, and September 2008). In all cases Paducah provided substantial evidence demonstrating compliance with applicable federal, USAC, state, and local requirements.
17. Nonetheless, these overly burdensome, unnecessary, and duplicative requests resulted in a significant waste of federal and state funds.
18. I personally spent in excess of 100 hours in total responding to these three SRIMs. At the time, Paducah's technology department consisted of me and one technician and, therefore, the time taken to respond to the SRIMs significantly detracted from our ability to serve the technology needs of Paducah, its schools, and its students.
19. Paducah also was the subject of an audit by the accounting firm of Arthur Anderson in Year 1 of the E-rate program. As with the SRIMs, Paducah provided substantial evidence demonstrating compliance with all applicable requirements.
20. Paducah has never been made aware of any adverse finding resulting from an SRIM or audit.
21. I have reviewed the foregoing Consolidated Request for Review and declare under penalty of perjury, that the facts stated with respect to Paducah are true and correct to the best of my knowledge and belief.

Executed on this 20th day of May, 2011.

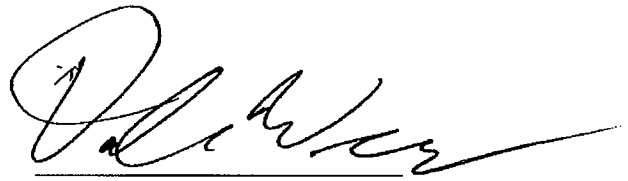


Name: Jeff Nelson

**DECLARATION OF DALE WEAVER**  
**PADUCAH INDEPENDENT SCHOOL DISTRICT**

1. My name is Dale Weaver. I am currently the Director of Information Technologies ("Director") for Paducah Independent School District ("Paducah"). I have held this position since 2008, when Jeff Nelson retired. I began working for Paducah in 2008 as a Network Administrator.
2. My career in the information technology ("IT") field began in 1998 when I began working in IT management for a company called Lawson Data Networking.
3. In 2001, I went to work for Livingston County School District as their IT Administrator. I ran their IT department until 2008 – at which time I joined Paducah.
4. As Director, I oversee IT procurement and the competitive bidding process for Paducah, including filing all related forms and preparing Requests for Proposal ("RFPs").
5. Paducah always operates an open and competitive bidding process and complies with Federal Communications Commission ("FCC"), Universal Service Administrative Company ("USAC"), state, and local requirements.
6. In my opinion, the Request for Proposal ("RFP") for Huntingdon Special School District that Paducah received from Computer Consulting & Network Design, Inc. ("Computer Consulting") (and which is discussed in the declaration of Jeff Nelson), was an industry standard RFP and provided no support or advantage to one service provider or another.
7. Similarly, Paducah's FY2005 RFP for Basic Network Maintenance was an industry standard RFP and provided no support or advantage to one service provider or another.
8. I have witnessed first hand the significant disruption caused to Paducah, its schools, and students as the result of USAC's repeated and unwarranted delay in granting Paducah's requests for funding under the E-rate program.
9. The denials of funding for FY2006 and FY2007 have made it difficult to fulfill Paducah's Technology Plan, budget for new equipment, or otherwise plan projects that would improve Paducah's IT infrastructure and capabilities because much of the funding for these projects comes from the E-rate program.
10. Despite USAC's various inquiries, Paducah has never violated any FCC, USAC, state, or local competitive bidding requirements.
11. I have reviewed the foregoing Consolidated Request for Review and declare under penalty of perjury, that the facts stated with respect to Paducah are true and correct to the best of my knowledge and belief.

Executed on this 20<sup>th</sup> day of May, 2011.

A handwritten signature in black ink, appearing to read "Dale Weaver", written over a horizontal line.

Name: Dale Weaver

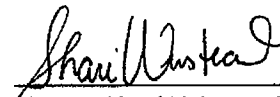
**DECLARATION OF SHARI WINSTEAD**  
**HOPKINS COUNTY SCHOOL DISTRICT**

1. My name is Shari Winstead. I am the Director of Technology for the Hopkins County School District ("Hopkins"). I have worked for Hopkins in various capacities for 27 years.
2. Hopkins is committed to complying with the Federal Communications Commission and Universal Service Administrative Company ("USAC") requirements in order to obtain E-rate Program funding. Hopkins also adheres to state and local requirements regarding the competitive bidding process.
3. Hopkins's FCC Form 470, File No. 98673000557521 ("Form 470") was completed and submitted by me on December 12, 2005 from my office at the Hopkins Board of Education.
4. Hopkins received a Pattern Analysis Information Request FY2006 letter ("PAIR Letter") from the Schools and Libraries Division ("SLD") of USAC. I timely prepared and submitted Hopkins's response to the PAIR Letter and completed the PAIR certificate.
5. The Form 470 was prepared and posted by me in accordance with Federal Communications Commission rules and USAC competitive bidding process guidance.
6. Hopkins did not surrender control to Computer Consulting or any other service provider during the competitive bidding process.
7. The Hopkins RFP for FY2006 ("Hopkins FY2006 RFP") was prepared by me. No non-Hopkins employees participated in the preparation of the Hopkins FY2006 RFP.
8. All sections of the Hopkins 2006 RFP are vendor neutral.
9. I received a sample RFP from Computer Consulting & Network Design ("Computer Consulting") prior to preparing the Hopkins FY2006 RFP. The sample RFP was vendor neutral and industry standard.
10. The sample RFP did not give Computer Consulting any advantage in the competitive bidding process and, in fact, Computer Consulting was the only service provider to even bid on basic maintenance for FY 2006 or FY2007.
11. I reviewed and revised the sample RFP as part of my preparation of the Hopkins FY2006 RFP. No non-Hopkins employees assisted me with this process.
12. On March 11, 2011, the FCC granted Hopkins' appeal of FY2005 funding denials. I also drafted the RFP that was the subject of that appeal and it was similar to the Hopkins 2006 RFP.
13. Hopkins and other school districts sometimes share documents such as RFPs. This happens frequently in the educational profession since schools are faced with many similar purchases. Schools regularly ask each other for sample RFPs and other documents, which are then tailored to meet a school's specific needs.



14. No service provider or consultant, including Computer Consulting, participated in the competitive bid process or was responsible for drafting or preparing any responses that pertained to Hopkins' competitive bid process.
15. I have reviewed the foregoing Consolidated Request for Review and declare under penalty of perjury, that the facts stated with respect to Hopkins are true and correct to the best of my knowledge and belief.

Executed on this 20<sup>th</sup> day of May, 2011.



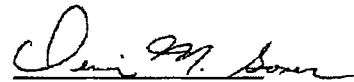
Name: Shari Winstead

**DECLARATION OF DENNIS GOMER**  
**COMPUTER CONSULTING & NETWORK DESIGN, INC.**

1. My name is Dennis Gomer. I am the President of Computer Consulting & Network Design, Inc. ("Computer Consulting"), an internal connections and basic maintenance provider in the Schools and Libraries Universal Service Program ("E-rate Program") since 1998. Computer Consulting Systems has been involved in the E-rate Program since its inception and has been offering technology products and services for over 19 years to schools in Kentucky and other states.
2. Computer Consulting has been deeply involved in the development and deployment of the Kentucky Educational Technology System ("KETS") that is the cornerstone of the Kentucky Higher Education Reform Act ("KERA").
3. Computer Consulting works closely with the Kentucky Department of Education to educate Kentucky school districts about the benefits and rules of the E-rate program.
4. Computer Consulting has been invited by the Kentucky Department of Education to participate in school district training sessions to go over E-rate Program forms and rules. I conduct this generic, vendor neutral E-rate Program training and as part of the training, I review a sample RFP, RFPs previously submitted to the E-rate Program, and a sample FCC Form 470. Upon request, I will provide a copy of the sample RFP to a school or library.
5. The Computer Consulting sample RFP was drafted using information from a variety of sources including old IBM contracts, AT&T bids, BICSI guidance, and other resources. This information was collected over a number of years to ensure that actual terms and conditions from real contracts were included in the sample RFP.
6. The Computer Consulting sample RFP has no school specific information, includes an outline for how to structure an RFP, vendor neutral service descriptions, and a suggested vendor selection rubric. It also lists a number of bidder requirements that are required in order to be able to service the Schools' networks.
7. The list of services in the Computer Consulting sample RFP was developed based on the Eligible Services List and guidance received from Eligible Services List training.
8. Neither I nor any employee of Computer Consulting has ever completed an FCC Form 470 for any school or library.
9. Neither I nor any employee of Computer Consulting has ever signed an FCC Form 470 for any school or library.
10. Neither I nor any employee of Computer Consulting has ever been listed as the contact person on an FCC Form 470.
11. Neither I nor any employee of Computer Consulting has ever certified or submitted an FCC Form 470.

12. Neither I nor any employee of Computer Consulting has ever prepared, drafted, wrote, or posted an FCC Form 470.
13. At no time did I or any employee of Computer Consulting interfere with any schools' competitive bidding process.
14. The only information Computer Consulting provides to schools as part of the competitive bidding process, is permissible, vendor neutral technical information that will allow any company to participate in the competitive bidding process.
15. No employees of Hopkins County School District ("Hopkins") or Paducah Independent School District ("Paducah") with a role in the service provider selection process have an ownership interest in Computer Consulting.
16. Neither I nor any employee of Computer Consulting helped in the preparation of the Hopkins or Paducah RFPs for FY2006, which are the subject of this appeal.
17. I have reviewed the foregoing Consolidated Request for Review and declare under penalty of perjury, that the facts stated with respect to Computer Consulting are true and correct to the best of my knowledge and belief.

Executed on this 20 day of May, 2011.

A handwritten signature in cursive script, appearing to read "Dennis Gomer", written in black ink.

Name: Dennis Gomer

## **EXHIBIT E**



**Universal Service Administrative Company**  
Schools & Libraries Division

CASE 2006-BEN# 128941

Date: 7/17/07  
To: Jeff Nelson  
Entity: PADUCAH INDEP SCHOOL DISTRICT  
Fax #: (270) 444-5607  
Sender: Michael Deusinger  
Phone: 973-581-6750  
Fax: 973-599-6515  
E-mail: mdeusin@sl.universalservice.org  
Subject: Pattern Analysis Information Request FY 2005

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This Pattern Analysis Information Request (PAIR) is related to FY 2006 Form 471 E-rate application # 502979. Our Program Integrity Assurance (PIA) review revealed Forms 470 and Request for Proposals (RFPs) as a service provider that share similarities with other billed entities' Forms 470 and RFPs. These similarities are prevalent in applicants citing Computer Consulting & Network Design as a service provider and requires us to seek additional information regarding the preparation of your Form 470 and RFP.

Enclosed please find a certification which must be signed by a person authorized to represent the entity and most knowledgeable about the information set forth in the responses to the PAIR. Submit the certification back to me, Mr. Michael Deusinger, with your responses to the PAIR.

You have **15 days** to respond to this request. Your response is due by the close of business 8/1/07. Please provide complete responses and documentation to the questions listed below. If the question(s) is not applicable, please explain why. It is important that you provide complete responses to ensure the timely review of your application. If you do not respond or provide incomplete responses, your funding request (FRNs) may be reduced or denied.

If the applicant's authorized representative completed the information in this document, please attach a *copy of the letter of agency or another agreement* between the applicant and the consultant authorizing them to act on the school or library's behalf. If you receive assistance outside of your organization in responding to this request, please indicate this in your reply. **Computer Consulting & Network Design should not be consulted in this matter.**

Should you wish to cancel your Form 471 application(s), or any of your individual funding requests, please clearly indicate in your response that it is your intention to cancel an application or funding request(s). Include in any cancellation request the Form 471 application number(s) and/or funding request number(s), and the complete name, title and signature of the authorized individual.

**Form 470 Submissions**

Program rules prohibit service providers from participating in the development, completion and posting of the Form 470. We have determined that Forms 470 cited by Computer Consulting & Network Design entities share similarities, which implies that Computer Consulting participated in

the completion and/or posting of your entity's Form 470. The similarities present are a similar Applicant Form Identifier naming convention, similar statements in Blocks 13a and 13b, and an indication that an RFP was used in the Competitive Bidding process.

1. Please provide the name, title and employer of all of the individuals who filled out and submitted (i.e., mailed or posted the Form 470 on the Schools and Libraries website) Form 470# 363760000525571. Also provide those individuals' contact information. If they are not an employee of your organization, how are they affiliated with your entity and why were they selected to complete or post your Form 470?

Jeff Nelson  
Director of Information Technologies  
Paducah Independent School District  
800 Caldwell St.  
Paducah, KY 42003  
(270) 444-5600  
Jeff.Nelson@paducah.kyschools.us

2. Please provide the specific location from which the Form 470# 363760000525571 was filed and submitted. If the Form 470 was not posted from your organization's location, please explain why.

Filed electronically from a computer located at:  
Paducah Independent School District  
800 Caldwell St.  
Paducah, KY 42003

3. If a service provider employee assisted in the completion and/or posting of Form 470# 363760000525571, please provide the name and title of the Service Provider's employee and describe the assistance. Please also provide that individual's contact information. Explain why you selected them to assist your organization with completing or posting your Form 470. To the best of your knowledge, explain whether the service provider was aware that an employee assisted with the completion and/or posting of your entity's Form 470.

No employee of the service provider assisted in the completion or posting of Form 470 #363760000525571.

4. If a consultant assisted in the completion and/or posting of Form 470# 363760000525571, please provide the name and contact information for the consultant. Please also provide the consulting agreement, Letter of Agency, or other agreement that was in place at the time the Form 470 was posted.

No consultant assisted in the completion or posting of Form 470 #363760000525571.

5. Please explain the process your entity used to determine the Form 470 Applicant Form Identifier, including an indication of the individual responsible for the Applicant Form Identifier used.

Jeff Nelson (see above) is the individual responsible for the Applicant Form Identifier used. We use a similar pattern on all eRate forms. The identifier begins with the Funding Year (FY2005 in the 470 under discussion), followed by a hyphen, followed by the SLD Form Number (470), followed by a hyphen, followed by a unique identifier if more than one 470 is filed in a given funding year (as was the case in this FY); FY2005-470-A.

6. Please explain the process your entity used to develop the statements present in Blocks 13a and 13b of the Form 470, including an indication of the individual responsible for the

statements.

Jeff Nelson (see above) was the person responsible for the statements.

The statement, "The Paducah Independent School District adheres to state model procurement law and all other state and local laws" was recommended to school districts by the Kentucky Department of Education.

Funding Year 2004 was the first year that the form 470 specifically included language addressing the voluntary extensions of multi-year contracts. In Funding Year 2004, we were bidding multi-year contracts for long distance service, cellular phone service, and high-speed digital service. In the form 470 (FY2004, 261640000482473) that was posted for those services we included the statement; "Paducah Independent School District intends to enter into multi-year contracts for each of the RFPs referenced in this form 470. Each contract will be for 3 to 5 years in duration as referenced in each RFP." I used the same language in the form 470 that is under review. I can find no correspondence or other communications from 2003 that indicates that any individual or organization recommended the specific language to me.

### **Request for Proposal (RFP)**

1. In response to our FY 2006 Selective Review Information Request (SRIR), you provided a Request for Proposal (RFP) that was used in your competitive bidding procurement process. Your Request for Proposal is similar to other billed entity RFPs. The similarities include similar/identical format and wording. Please explain why these similarities exist. Provide documentation, if available, that will support your response (e.g., needs assessment, memorandums).

I have over the years provided copies of my RFPs to other school districts and have, in turn, received copies of RFPs from other districts. If there are similarities that could be the reason. The Paducah Independent School District has used a virtually identical format and wording for RFPs for a variety of products and services as far back as 1999.

2. Please provide the name, title and employer of all of the individuals, both within and outside of the School District, that helped in the preparation of your RFP. If you had assistance in preparing your RFP outside of the School District please indicate who provided such assistance (and indicate whom they represent), how they became involved in the process, and their level of involvement in the process.

The only individual that worked on preparing the RFP was Jeff Nelson, Director of Information Technologies for the Paducah Independent School District. No one outside of the district assisted or was involved in the preparation of the RFP.

3. Please indicate if your RFP was based on a template RFP that was provided to the School District. If your RFP was based on a template RFP please cite the organization responsible for the origination of the template RFP.

All of our district's RFPs have used basically the same format and wording for many years. In February of 1999, the district contracted with Computer Consulting and Network Design to manage the acquisition and installation of new telephone systems for the district. As part of that contract CC & ND wrote the bid specifications for the phone system RFP. We have used that original phone system RFP as a model (or template) for all subsequent RFPs, including the one that is being reviewed. I have attached a copy of that original phone system RFP.

In December 2003, in preparation for filing for Funding Year 2004, I requested sample

RFPs for Cellular Phone Service, Long Distance Phone Service, and Outsourced Network Maintenance from Computer Consulting and Network Design. I have attached a copy of that sample Network Maintenance RFP. We chose not to bid network maintenance at that time since we still had one year remaining on a previous multi-year contract. The following year, for Funding Year 2005, was when we issued the RFP for Basic Network Maintenance that is being reviewed. In developing that RFP, we used the sample RFP that CC&ND had provided us the year before as a starting point for our RFP.



If you have any questions, please contact me at 973-581-6750. Thank you.

**Michael Deusinger**  
Program Compliance

PATTERN ANALYSIS CERTIFICATION	
<p>I certify that I am authorized to make the representations set forth in the responses to the Pattern Analysis Information Request on behalf of Paducah Independent School District, the entity represented on and responding to the Pattern Analysis Information Request, and am the most knowledgeable person with regard to the information set forth therein. I certify that the responses and supporting documentation to the Pattern Analysis Information Request are true and correct to the best of my knowledge, information and belief. I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program. I acknowledge that false statements can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. §§ 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. § 1001 and civil violations of the False Claims Act.</p> <p>I declare under penalty of perjury that the foregoing is true and correct. Executed on 23rd day of July, 2007 at Paducah, Kentucky.</p>	
Signature: See attached scan	Date: 07/24/2007
Print Name: Jeff Nelson	Title: <u>Director of Information Technologies</u>
Employer Paducah Independent School District	
Telephone Number: (270) 444-5600	Fax Number: (270) 444-5607
Email Address: Jeff.Nelson@paducah.kyschools.us	
Address: 800 Caldwell St., Paducah, KY 42003	

## **EXHIBIT F**



**Universal Service Administrative Company**  
Schools & Libraries Division

CASE 2006-BEN# 129009

Date: 12/7/06  
To: Shari Winstead  
Entity: HOPKINS COUNTY SCHOOL DISTRICT  
Fax #: (270) 825-6072  
Sender: Michael Deusinger  
Phone: 973-581-6750  
Fax: 973-599-6515  
E-mail: mdeusin@sl.universalservice.org  
Subject: Pattern Analysis Information Request FY 2006

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This Pattern Analysis Information Request (PAIR) is related to the Request for Proposal (RFP) that was used in the procurement of services in which Computer Consulting & Network Design was selected as your service provider. Our Program Integrity Assurance (PIA) review revealed Forms 470 and Request For Proposals (RFPs) that share similarities with other billed entities' Forms 470 and RFPs. These similarities require us to seek additional information regarding the preparation of your Form 470 and RFP.

Enclosed please find a certification which must be signed by a person authorized to represent the entity and most knowledgeable about the information set forth in the responses to the PAIR. Submit the certification back to me, Mr. Michael Deusinger, with your responses to the PAIR.

You have **15 days** to respond to this request. Your response is due by the close of business 12/22/06. Please provide complete responses and documentation to the questions listed below. If the question(s) is not applicable, please explain why. It is important that you provide complete responses to ensure the timely review of your application. If you do not respond or provide incomplete responses, your funding request (FRNs) may be reduced or denied.

If the applicant's authorized representative completed the information in this document, please attach a *copy of the letter of agency or another agreement* between the applicant and the consultant authorizing them to act on the school or library's behalf. If you receive assistance outside of your organization in responding to this request, please indicate this in your reply. **Computer Consulting & Network Design should not be consulted in this matter.**

Should you wish to cancel your Form 471 application(s), or any of your individual funding requests, please clearly indicate in your response that it is your intention to cancel an application or funding request(s). Include in any cancellation request the Form 471 application number(s) and/or funding request number(s), and the complete name, title and signature of the authorized individual.

### **Form 470 Submissions and Form 470 Certifications**

Program rules prohibit service providers from participating in the development, completion and posting of the Form 470. We have determined that Forms 470 cited by Computer Consulting & Network Design entities have similar services sought, which implies that Computer Consulting participated in the completion and/or posting of your entity's Form 470.

1. Please provide the name, title and employer of the individual who filled out and submitted (i.e., mailed or posted the Form 470 on the Schools and Libraries website) Form 470# 986730000557521. Also provide that individual's contact information. If they are not an employee of your organization, how are they affiliated with your entity and why were they selected to complete or post your Form 470?  
Shari Winstead, Director of Technology, Hopkins County Schools  
[shari.winstead@hopkins.kyschools.us](mailto:shari.winstead@hopkins.kyschools.us)
2. Please provide the specific location from which the Form 470# 986730000557521 was filed and submitted. If the Form 470 was not posted from your organization's location, please explain why.  
The Form 470 was filed and submitted in the office of Shari Winstead at Hopkins County Board of Education.
3. If a service provider employee assisted in the completion and/or posting of Form 470# 986730000557521, please provide the name and title of the Service Provider's employee and describe the assistance. Please also provide that individual's contact information. Explain why you selected them to assist your organization with completing or posting your Form 470. To the best of your knowledge, explain whether the service provider was aware that an employee assisted with the completion and/or posting of your entity's Form 470.  
A service provided did not assist in the completion and posting of the Form 470.
4. If a consultant assisted in the completion and/or posting of Form 470# 986730000557521, please provide the name and contact information for the consultant. Please also provide the consulting agreement, Letter of Agency, or other agreement that was in place at the time the Form 470 was posted.  
No consultant assisted in the completing and posting of the Form 470.

### **Form 470 Service or Need Description Summary**

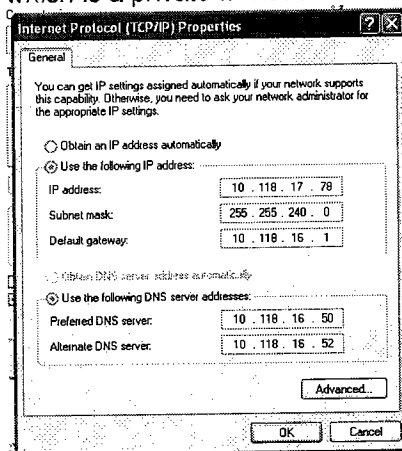
Applicants that selected discount services from Computer Consulting & Network Design share similar statements in their Forms 470 Block 2: *Summary Description of Needs or Services Requested*. These similarities imply that the service provider participated in the development, completion and/or posting of the Form 470.

1. Please explain the process your entity used to determine the type(s) of service(s) for which your entity sought bids. Provide documentation, if available, that will support your response (e.g., needs assessment, memorandums).  
The district sought bids for basic maintenance of e-rate eligible equipment. This is an ongoing need each year that is recognized in our technology planning process.
2. Provide the name of the individual and their organization's name who participated in determining what services your entity sought bids for and in determining the Applicant Form Identifier that are not employees of your organization. Explain how they became involved in the process, their level of involvement, and why your organization sought their participation in your competitive bidding process.  
No individuals or organization outside the district participated in determining the Applicant Form Identifier.

### **Forms 470 IP Address**

Program rules prohibit service providers from participating in the development, completion and posting of the Form 470. We have determined that the same IP Address was used to submit Forms 470 for multiple Computer Consulting & Network Design applicants, which implies that Computer Consulting & Network Design participated in the completion and/or posting of your Form 470.

1. The Form 470 was submitted online. The Internet Protocol (IP) address from which Form 470 # 986730000557521 was submitted is the same as the IP address used to submit Forms 470 cited by other applicants who also requested services with Computer Consulting & Network Design. Please explain the reason for the IP address match. Provide documentation, if available that will support your response.  
The Kentucky Department of Education shares a private IP network between all school districts in Kentucky. The shared IP address you reference above is likely a public IP from the Kentucky Department of Education firewall. If the IP addresses that match ours are from Kentucky school districts, this would explain why the IP addresses are the same. The IP of my workstation where the Form 470 was submitted is 10.118.17.78 which is a private IP not seen outside the KETS network.



2. Please provide the name, title and employer of the individual who filled out and submitted Form 470 # 986730000557521. Also provide that individual's contact information. If they are not an employee of your organization, how are they affiliated with your entity and why were they selected to complete or post your Form 470?  
Shari Winstead, Director of Technology, Hopkins County Schools,  
[shari.winstead@hopkins.kyschools.us](mailto:shari.winstead@hopkins.kyschools.us)
3. Please provide the specific location from which the Form 470 # 986730000557521 was filed and submitted. If the Form 470 was not posted from your organization's location, please explain why.  
The Form 470 was filed and submitted in the office of Shari Winstead at Hopkins County Board of Education, 320 South Seminary Street, Madisonville, KY 42431
4. If a service provider employee assisted in the completion and/or posting Form 470 # 986730000557521, please provide the name and title of the Service Provider's employee and describe the assistance. Please also provide that individual's contact information. Explain why you selected them to assist your organization with completing or posting your Form 470.  
A service provided did not assist in the completion and posting of the Form 470.

### Request for Proposal (RFP)

1. In response to our FY 2006 Selective Review Information Request (SRIR), you provided a Request for Proposal (RFP) that was used in your competitive bidding procurement process. Your Request for Proposal is similar to other billed entity RFPs. Please

explain why these similarities exist. Provide documentation, if available, that will support your response (e.g., needs assessment, memorandums).

I would be speculating to explain why similarities exist between our RFP and others billed entity RFPs; however, I can say that most school districts in the surrounding area share like paperwork. It would not be uncommon for a template to be shared.

2. Please provide the name, title and employer of each the individuals, both within and outside of the School District, that helped in the preparation of your RFP. If you had assistance in preparing your RFP outside of the School District please indicate who provided such assistance (and indicate whom they represent), how they became involved in the process, and their level of involvement in the process.  
No outside assistance was provided.

3. Please indicate if your RFP was based on a template RFP that was provided to the School District. If your RFP was based on a template RFP please cite the organization responsible for the origination of the template RFP.  
An incomplete RFP sample was provided by *Computer Consulting & Network Design*. This sample was provided to help the district prepare the RFP for bid since basic maintenance was a new category this funding year and the applicant was not familiar with the services that would fit into this category. I reviewed and adjusted the sample template to fit district needs. I did research on the SLD website to determine if a service provider could, in fact, provide this type of assistance, and the website clearly states that sharing an incomplete template is acceptable. No impropriety has occurred, and I believe the bids were issued in a fair and competitive manner.

If you have any questions, please contact me at 973-581-6750. Thank you.

**Michael Deusinger**  
Program Compliance

## PATTERN ANALYSIS CERTIFICATION

I certify that I am authorized to make the representations set forth in the responses to the Pattern Analysis Information Request on behalf of *<enter entity name>*, the entity represented on and responding to the Pattern Analysis Information Request, and am the most knowledgeable person with regard to the information set forth therein. I certify that the responses and supporting documentation to the Pattern Analysis Information Request are true and correct to the best of my knowledge, information and belief. I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program. I acknowledge that false statements can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. §§ 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. § 1001 and civil violations of the False Claims Act.

I declare under penalty of perjury that the foregoing is true and correct. Executed on \_\_\_\_ day of \_\_\_\_\_, 2006 at \_\_\_\_\_[city], \_\_\_\_\_[state].

Signature		Date
Print Name	<u>Title</u>	
Employer		
Telephone Number	Fax Number	
Email Address		
Address		

# PATTERN ANALYSIS CERTIFICATION

I certify that I am authorized to make the representations set forth in the responses to the Pattern Analysis Information Request on behalf of <enter entity name>, the entity represented on and responding to the Pattern Analysis Information Request, and am the most knowledgeable person with regard to the information set forth therein. I certify that the responses and supporting documentation to the Pattern Analysis Information Request are true and correct to the best of my knowledge, information and belief. I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program. I acknowledge that false statements can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. §§ 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. § 1001 and civil violations of the False Claims Act.

I declare under penalty of perjury that the foregoing is true and correct. Executed on 18 day of December, 2006 at Madisonville [city],  
Ky [state].

Signature <u>Shari Winstead</u>		Date <u>12-18-06</u>
Print Name <u>Shari Winstead</u>	Title <u>Director of Technology</u>	
Employer <u>Hopkins County School District</u>		
Telephone Number <u>270-825-6000</u>	Fax Number <u>270-825-6072</u>	
Email Address <u>shari.winstead@hopkins.k12.ky.us</u>		
Address <u>320 South Seminary</u> <u>Madisonville, KY 42431</u>		



## **EXHIBIT G**

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## **I. Introduction**

Huntingdon Special School District is soliciting bids from reputable service providers. The selected vendor will be our primary source for the following:

- Installation and configuration services for Universal Service Fund eligible products.
- Maintenance of Universal Service Fund-approved purchased and installed equipment and software.
- System improvements and upgrades to the Universal Service Fund-approved installed equipment and software as necessary.

Please note that the term Universal Service Fund (hereafter to be called USF or E-Rate) is used throughout this RFP for defining all eligible products and services for which school systems can receive discounts from the providers of these products and services.

## **II. RFP Instructions**

### **A. *Completing the RFP***

Please provide pricing in the form of hourly rates for each of the services listed in the RFP that your company wishes to bid on. It is not required that you bid on every item listed in the RFP.

Quoted prices must be planned to be effective starting July 1, 2004 and extend through September 30, 2005, and Huntingdon Special School District retains the right to extend this contract for up to three more years in one year increments from July 1, 2005 if applicable.

The successful vendor will be required to participate in the Universal Service Fund and will provide the appropriate discounts if applicable to this project. If Huntingdon Special School District does not receive USF funding for this project, Huntingdon Special School District may chose not to purchase these services.

### **B. *Format, Due Date***

Proposals are due **no later than 1 p.m. CST, January 7, 2004**. Late responses will not be considered. Submit responses to:

Mr. Danny Truett  
Superintendent  
Huntingdon Special School District  
585 High Street  
Huntingdon, TN 38358  
Phone (731) 986-2222  
Fax (731) 986-4365

All submitted proposals will be considered the property of the Huntingdon Special School District.

**Three (3) copies** of your completed proposal should be submitted.

Name one person to be the coordinator for your RFP response and for any clarification activities that might be necessary.

### **C. *Contract***

The proposal should include a contract for all proposed services. If the vendor does not wish to submit an actual contract with the proposal, due to different alternatives proposed and pending choices from those alternatives, a sample contract should be submitted with the proposal.

### **D. *Confidentiality***

All material submitted by Huntingdon Special School District must be treated as confidential and cannot used for any other purpose than the response to this RFP. Information submitted by any vendor will be considered confidential to Huntingdon Special School District and will not be used for any other purpose than evaluating vendor responses.

### **E. *Selection Process***

A number of factors will influence Huntingdon Special School District's decision in selecting the vendor. These factors include a technical evaluation based upon the vendor's ability to deliver these services in a timely manner.

Equally important is a vendor evaluation based upon vendor reputation, past performance with similar projects in the school district, service and support resources, knowledge of USF policies and procedures, etc.

Please note that Huntingdon Special School District will select the vendor based upon the best overall solution and value, and is not obligated to select the lowest price bidder. Huntingdon Special School District may select more than one vendor for these projects as well.

#### ***F. Disclaimer***

This RFP does not commit Huntingdon Special School District to any specific course of action. Huntingdon Special School District reserves the right to not select any vendor or purchase any goods or services resulting from this RFP.

### **III. Vendor Background**

#### **A. *Company Information***

1. List your company's legal name, address, and telephone number. Include parent company information if applicable.

#### **B. *References***

Provide a minimum of 3 references for customers with operations similar to ours that your company has worked with in the past two years. Include contact names, telephone numbers, and addresses.

## IV. Service Requirements and Pricing

The following are the USF-eligible categories for services. Please provide pricing for all services that you wish to bid on.

Product/Service Description	Hourly Costs
Ethernet Workgroup Switch Installation and Configuration	
Ethernet Backbone Switch Installation and Configuration	
Router Installation and Configuration	
CSU/DSU Installation and Configuration	
LAN Electronics Memory, Processor, and/or Disk Upgrades	
WAN Electronics Memory, Processor, and/or Disk Upgrades	
Analyze LAN Components for Preventative Maintenance, Problem Analysis, and Performance Tuning	
Analyze WAN Components for Preventative Maintenance, Problem Analysis, and Performance Tuning	
Provide WAN Troubleshooting for Telecommunications Problems (Router, CSU/DSU, Telephone Service Provider)	
Cabling System Evaluation, Analysis, and Troubleshooting	
Communications System Design and Engineering	
Communications System Project Management	
Documentation of Installed Network and Cabling Systems	
Video Distribution Systems Installation and Troubleshooting	
Wireless LAN Component Installation and Troubleshooting	

## **EXHIBIT H**



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# **I. Introduction**

Paducah Independent School District is soliciting bids from reputable service providers. The selected vendor will be our primary source for the following basic network maintenance service:

- Installation and configuration services for Universal Service Fund eligible products.
- Maintenance of Universal Service Fund-approved purchased and installed equipment and software.
- System improvements and upgrades to the Universal Service Fund-approved installed equipment and software as necessary.

Please note that the term Universal Service Fund (hereafter to be called USF or E-Rate) is used throughout this RFP for defining all eligible products and services for which school systems can receive discounts from the providers of these products and services.

## **II. RFP Instructions**

### ***A. Completing the RFP***

Please provide pricing in the form of hourly rates for each of the services listed in the RFP that your company wishes to bid on. It is not required that you bid on every item listed in the RFP.

Quoted prices must be planned to be effective starting July 1, 2005 and extend through June 30, 2006, and Paducah Independent School District retains the right to extend this contract for up to five more years in one year increments from July 1, 2005 if applicable.

The successful vendor will be required to participate in the Universal Service Fund and will provide the appropriate discounts if applicable to this project. If Paducah Public Schools does not receive USF funding for this project, Paducah Public Schools may choose not to purchase these services.

### ***B. Format, Due Date***

Proposals are due **no later than 1 p.m. CST, January 17, 2005**. Late responses may not be considered. Submit responses to:

Dr. Randy Greene  
Superintendent  
Paducah Independent School District  
800 Caldwell St.  
Paducah, KY 42003  
Phone (270) 444-5600  
Fax (270) 444-5607

All submitted proposals will be considered the property of the Paducah Independent School District.

**Three (3) copies** of your completed proposal should be submitted.

Name one person to be the coordinator for your RFP response and for any clarification activities that might be necessary and include the following information about your company and that person on the first page of your RFP response.

Company:  
Contact Name:  
Title:  
Address:  
Phone:  
Fax:  
USF SPIN Number:

### ***C. Contract***

The proposal should include a contract for all proposed services. If the vendor does not wish to submit an actual contract with the proposal, due to different alternatives proposed and pending choices from those alternatives, a sample contract should be submitted with the proposal.

#### ***D. Confidentiality***

All material submitted by Paducah Independent School District must be treated as confidential and cannot be used for any other purpose than the response to this RFP. Information submitted by any vendor will be considered confidential to Paducah Independent School District and will not be used for any other purpose than evaluating vendor responses.

#### ***E. Selection Process***

A number of factors will influence Paducah Independent School District's decision in selecting the vendor. These factors include a technical evaluation based upon the vendor's ability to deliver these services in a timely manner. Equally important is a vendor evaluation based upon vendor reputation, past performance with similar projects in the school district, service and support resources, knowledge of USF policies and procedures, knowledge of KETS policies and procedures, etc. The Paducah Independent School District will use a weighting system to determine the bid award. The RFP response will be weighted as indicated on the following criteria:

30%	Price
20%	Experience working with Enterasys brand network electronics
20%	Experience working with eRate eligible projects
20%	Experience working with Kentucky school districts
10%	Knowledge and experience with Paducah Public Schools network environment

Please note that Paducah Independent School District will select the vendor based upon the best overall solution and value, and is not obligated to select the lowest price bidder. Paducah Public Schools may select more than one vendor for these projects as well.

#### ***F. Disclaimer***

This RFP does not commit Paducah Independent School District to any specific course of action. Paducah Independent School District reserves the right to not select any vendor or purchase any goods or services resulting from this RFP.

### **III. Vendor Background**

#### **A. *Company Information***

1. List your company's legal name, address, and telephone number. Include parent company information if applicable.
2. How long has your company been in business?
3. How long has your company or division been providing communications services in Kentucky?
4. How many employees do you have?
5. Please describe your experience installing, configuring, and maintaining Enterasys brand network electronics.
6. Please describe your experience with eRate projects.
7. Please describe your experience working on telecommunications projects with Kentucky school districts?
8. Please describe your experience working with Paducah Public Schools.

#### **B. *References***

Provide a minimum of 3 references for customers with operations similar to ours that your company has worked with in the past two years. Include contact names, telephone numbers, and addresses.

## IV. Service Requirements and Pricing

The following are USF-eligible categories for services. Please provide pricing for all services that you wish to bid on.

Product/Service Description	Hourly Costs
Ethernet Workgroup Switch Installation and Configuration	
Ethernet Backbone Switch Installation and Configuration	
Router Installation and Configuration	
CSU/DSU Installation and Configuration	
Network File Server Installation	
LAN Electronics Memory, Processor, and/or Disk Upgrades	
WAN Electronics Memory, Processor, and/or Disk Upgrades	
Analyze LAN Components for Preventative Maintenance, Problem Analysis, and Performance Tuning	
Analyze WAN Components for Preventative Maintenance, Problem Analysis, and Performance Tuning	
Provide WAN Troubleshooting for Telecommunications Problems (Router, CSU/DSU, Telephone Service Provider)	
Provide Telephone Key System and Telephone Service Provider Troubleshooting for Telecommunications Problems	
Cabling System Evaluation, Analysis, and Troubleshooting	
Communications System Design and Engineering	
Communications System Project Management	
Documentation of Installed Network and Cabling Systems	
Video Distribution Systems Installation and Troubleshooting	
Wireless LAN Component Installation and Troubleshooting	

## **EXHIBIT I**

**Hopkins County School District**  
**RFP: *Basic Maintenance of Universal Service Fund-Approved  
Equipment and Software***



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471# 500090

FRNs: 1396567, 1396579, 1396599, 1396612, 1396622, 1396633,  
1396644, 1396656, 1396665



## **I. Introduction**

Hopkins County School District is soliciting bids from reputable service providers. The selected vendor will be our primary source for the following:

- Basic Maintenance of Universal Service Fund-approved purchased and installed equipment and software.

Please note that the term Universal Service Fund (hereafter to be called USF or E-Rate) is used throughout this RFP for defining all eligible products and services for which school systems can receive discounts from the providers of these products and services.

## **II. RFP Instructions**

### **A. Completing the RFP**

Please provide pricing in the form of hourly rates for each of the services listed in the RFP that your company wishes to bid on. It is not required that you bid on every item listed in the RFP.

Quoted prices must be planned to be effective starting July 1, 2006 and extend through September 30, 2007, and Hopkins County School District retains the right to extend this contract for up to three more years in one year increments from July 1, 2007 if applicable.

The successful vendor will be required to participate in the Universal Service Fund and will provide the appropriate discounts if applicable to this project. If Hopkins County School District does not receive USF funding for this project, Hopkins County School District may choose not to purchase these services.

### **B. Format, Due Date**

Proposals are due no later than 1 p.m. CST, January 10, 2006. Late responses will not be considered. Submit responses to:

Shari Winstead  
Director of Technology  
Hopkins County School District  
320 South Seminary Street  
Madisonville, KY 42431  
Phone 270-825-6100 Extension 2241  
Fax 270-825-6115

All submitted proposals will be considered the property of the Hopkins County School District.

Three (3) copies of your completed proposal should be submitted.

Name one person to be the coordinator for your RFP response and for any clarification activities that might be necessary.

### **C. Contract**

The proposal should include a contract for all proposed services. If the vendor does not wish to submit an actual contract with the proposal, due to different alternatives proposed and pending choices from those alternatives, a sample contract should be submitted with the proposal.

### **D. Confidentiality**

All material submitted by Hopkins County School District must be treated as confidential and cannot be used for any other purpose than the response to this RFP. Information submitted by any vendor will be considered confidential to Hopkins County School District and will not be used for any other purpose than evaluating vendor responses.

### **E. Selection Process**

A number of factors will influence Hopkins County School District's decision in selecting the vendor. These factors include a technical evaluation based upon the vendor's ability to deliver these services in a timely manner. Equally

important is a vendor evaluation based upon vendor reputation, past performance with similar projects in the school district, service and support resources, knowledge of USF policies and procedures, etc. Price will be the heaviest weighted factor however.

The selection rubric will be as follows:

30%	Price
25%	Vendor Reputation
25%	Vendor Experience with Installed Products
10%	Vendor's Past Performance with Similar Projects
10%	Vendor Knowledge and Successful Experience with E-Rate Projects

Please note that Hopkins County School District will select the vendor based upon the best overall solution and value, and is not obligated to select the lowest price bidder. Hopkins County School District may select more than one vendor for these projects as well.

#### ***F. Bidder Requirements***

Bidder must be able to show a minimum of (5) years of experience with Cabletron/Enterasys products, must have a good current working relationship with Enterasys, must be knowledgeable of new Enterasys products and how they interface with the legacy Cabletron/Enterasys products, and must have an office within a 3 hour radius of the school district location. Bidder must also have a Registered Communications Distribution Designer (RCDD) as a direct full-time employee of the bidder's company.

#### ***G. Disclaimer***

This RFP does not commit Hopkins County School District to any specific course of action. Hopkins County School District reserves the right to not select any vendor or purchase any goods or services resulting from this RFP.

### **III. Vendor Background**

#### **A. *Company Information***

1. List your company's legal name, address, and telephone number. Include parent company information if applicable.

#### **B. *References***

Provide a minimum of 3 references for customers with operations similar to ours that your company has worked with in the past two years. Include contact names, telephone numbers, and addresses.

#### IV. Service Requirements and Pricing

The following are the USF-eligible categories for services. Please provide pricing for all services that you wish to bid on.

Product/Service Description	Hourly Costs
Ethernet Workgroup Switch Configuration and Upgrades	
Ethernet Backbone Switch Configuration and Upgrades	
Router Configuration and Upgrades	
CSU/DSU Configuration and Upgrades	
Analyze LAN Components for Preventative Maintenance, Problem Analysis, and Performance Tuning	
Analyze WAN Components for Preventative Maintenance, Problem Analysis, and Performance Tuning	
Provide WAN Troubleshooting for Telecommunications Problems (Router, CSU/DSU, Telephone Service Provider)	
Cabling System Evaluation, Analysis, and Troubleshooting	
Video Distribution Systems Configuration and Upgrades	
Video Distribution Systems Troubleshooting	
Wireless LAN Component Configuration and Upgrades	
Wireless LAN Component Troubleshooting	
Wire and Cable Maintenance	